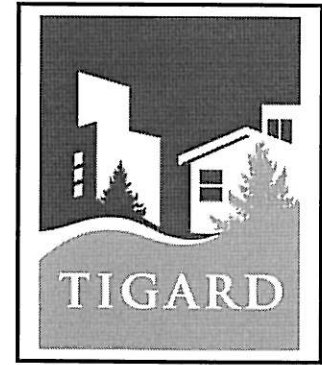


TIGARD CITY COUNCIL,  
LOCAL CONTRACT REVIEW BOARD  
AND CITY CENTER DEVELOPMENT  
AGENCY MEETING

JUNE 12, 2007 6:30 p.m.

TIGARD CITY HALL  
13125 SW HALL BLVD.  
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A  
TIGARD CITY COUNCIL MEETING  
JUNE 12, 2007

6:30 PM

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss real property transaction negotiations, under ORS 192.660(2) (e); exempt public records, under ORS 192.660(2) (f); labor negotiations, under ORS 192.660(2) (d); and consultation with counsel regarding current litigation or litigation likely to be filed, under ORS 192.660 (h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- STUDY SESSION

7:30 PM

1. BUSINESS MEETING
  - 1.1 Call to Order - City Council & Local Contract Review Board
  - 1.2 Roll Call
  - 1.3 Pledge of Allegiance
  - 1.4 Council Communications & Liaison Reports
  - 1.5 Call to Council and Staff for Non-Agenda Items
2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
  - Follow-up on Previous Citizen Communication
  - Follow-up on Fifth Tuesday Meeting
3. CONSENT AGENDA: *These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:*
  - 3.1 Approve Council Minutes for April 10 and April 17, 2007
  - 3.2 Receive and File:
    - 3.2.a Council Calendar
    - 3.2.b Tentative Agenda
  - 3.3 Adopt Revisions to City Wide Personnel Policies – Resolution No. 07-\_\_\_\_\_
  - 3.4 Adopt FY 07-08 Downtown Implementation Strategy
  - 3.5 Approve Amendment No. 1 to Intergovernmental Agreement for TriMet Transit Police Services

- 3.6 Approve Amendment No. 1 to City Manager Employment Agreement to provide for Paid Time Off as allowed by City Management, Supervisory, and Confidential Employee Personnel Policies.
- 3.7 Local Contract Review Board –
  - a. Award Contract for the Construction of Bull Mountain Road Right-Turn Lane Widening to D & D Concrete

*Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*

- 4. AUTHORIZE THE TRANSFER OF \$670,000 FROM THE PARKS CAPITAL FUND TO THE WATER CAPITAL IMPROVEMENT PROJECT FUND TO CONVERT THE CLUTE PROPERTY FROM A WATER ASSET TO A PARK ASSET
  - a. Staff Report: Public Works Department
  - b. Council Discussion
  - c. Council Consideration: Resolution No. \_\_\_\_\_

- 5. LEGISLATIVE PUBLIC HEARING – ENTERTAINMENT ORIENTED USE CODE AMENDMENT (DCA2007-00001) TO ALLOW MAJOR EVENT ENTERTAINMENT IN RESIDENTIAL ZONES ON PUBLIC SCHOOL SITES  
**REQUEST:** A Development Code Amendment to amend the Residential Zoning Districts Chapter (18.510) and Conditional Use Chapter (18.330) of the Tigard Development Code. The proposed amendment would allow Major Event Entertainment (athletic, cultural or entertainment events) as a conditional use on public school sites within residential zones.  
**LOCATION:** Citywide. **ZONE:** All Residential Zones. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.330, 18.380, 18.390 and 18.510; Comprehensive Plan Policies 1, 2 and 6; The Metro Urban Growth Management Plan Titles 1, 8 and 12; Metro Regional Framework Plan Policies 1.14 and 8.3; and Statewide Planning Goals 1, 2, and 10.

- a. Open Public Hearing
- b. Declarations or Challenges: Does any Council member wish to declare or discuss a conflict of interest or abstention.
- c. Staff Report: Community Development Department
- d. Public Testimony
  - Proponents
  - Opponents
- e. Staff Recommendation
- f. Council Questions
- g. Close Public Hearing
- h. Council Consideration: Ordinance No. 07-\_\_

6. QUASI JUDICIAL PUBLIC HEARING – GOODLETT ANNEXATION (ZCA 2007-00002)

**PROPOSAL:** The applicant requests approval of annexation of one parcel (1.64 acres) and right-of-way on SW Bull Mountain Road containing a total of 1.74 acres to the City of Tigard. Property owner Goodlett Marshall Building and Development (Mike Goodlett) requests annexation of one parcel, with plans to divide it into 10 lots. One adjacent property was invited to join the annexation, but did not accept the invitation. The sole owner of the subject parcel has consented to the annexation. **Note:** All right-of-way on the portion of SW Bull Mountain Road adjacent to the subject property is already within City limits. While annexing the right-of-way is not necessary and the applicant has provided a legal description and map that over-describes the proposed annexation area, Washington County has indicated that an over-description is acceptable. **LOCATION:** 12300 SW Bull Mountain Road (South side of SW Bull Mountain Road, adjacent to east side of the Thornwood subdivision, east of SW 125th Avenue); WCTM 2S110BC, Tax Lot 1201. **CURRENT ZONE:** R-6 District (Residential 6 Units Per Acre). The purpose of the Washington County R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2 or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District. The average lot area for single family detached dwellings within a proposed development shall be no less than 4,500 square feet and the minimum lot area shall be 4,000 square feet. The minimum lot area for single family attached units shall be 3,500 square feet. **EQUIVALENT CITY ZONE:** R-7: Medium-Density Residential District. The City of Tigard R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally. **Note:** In a subdivision, lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district as long as the average lot area for all lots is not less than allowed by the underlying zoning district. No lot created under this provision shall be less than 80% of the minimum lot size allowed in the underlying zoning district. **APPLICABLE REVIEW CRITERIA:** ORS Chapter 222, Metro Code Chapter 3.09, Comprehensive Plan Policies 2 and 10, Community Development Code Chapters 18.320 and 18.390.

- a. Open Public Hearing – Mayor
- b. Statement by City Attorney Regarding Procedure
- c. Declarations or Challenges
  - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?
  - Have all members familiarized themselves with the application?
  - Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?
- d. Staff Report: Community Development Department
- e. Public Testimony
  - Proponents
    - Applicant
    - Other Proponents
  - Opponents
  - Rebuttal/Final argument by applicant
- f. Staff Recommendation
- g. Close Public Hearing
- h. Council Discussion and Consideration: Ordinance No. 07-\_\_\_\_\_



7. PUBLIC HEARING – CONSIDER A RESOLUTION CERTIFYING THE CITY PROVIDES SERVICES QUALIFYING FOR STATE SHARED REVENUES
  - a. Open Public Hearing
  - b. Summation by Financial and Information Services Staff
  - c. Public Testimony
  - d. Staff Recommendation
  - e. Council Discussion
  - f. Close Public Hearing
  - g. Council Consideration: Resolution No. 07- \_\_\_\_\_
  
8. PUBLIC HEARING - CONSIDER A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE SHARED REVENUES
  - a. Open Public Hearing
  - b. Summation by Financial and Information Services Staff
  - c. Public Testimony
  - d. Staff Recommendation
  - e. Council Discussion
  - f. Close Public Hearing
  - g. Council Consideration: Resolution No. 07- \_\_\_\_\_
  
9. PUBLIC HEARING - ADOPT COMMUNITY INVESTMENT PLAN FOR 2007-2012
  - a. Open Public Hearing
  - b. Summation by Community Development Staff
  - c. Public Testimony
  - d. Staff Recommendation
  - e. Council Discussion
  - f. Close Public Hearing
  - g. Council Consideration: A motion to adopt the Community Investment Program for 2007-2012
  
10. CONSIDER A RESOLUTION ADOPTING THE CITYWIDE MASTER FEES AND CHARGES SCHEDULE, WHICH REPLACES RESOLUTION NO. 06-36 AND ALL SUBSEQUENT AMENDMENTS TO DATE
  - a. Staff Report: Financial and Information Services Department
  - b. Council Discussion
  - c. Council Consideration: Resolution No. 07- \_\_\_\_\_

11. PUBLIC HEARING - CONSIDER A RESOLUTION OF THE CITY OF TIGARD ADOPTING THE BUDGET, MAKING APPROPRIATIONS, DECLARING THE VALOREM TAX LEVY, AND CLASSIFYING THE LEVY AS PROVIDED BY ORS 310.060 (2) FOR FISCAL YEAR 2007-2008
  - a. Open Public Hearing
  - b. Summation by Finance and Information Services Staff
  - c. Public Testimony
  - d. Staff Recommendation
  - e. Council Discussion
  - f. Close Public Hearing
  - g. Council Consideration: Resolution No. 07-\_\_\_\_\_
  
12. CONSIDER AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF TIGARD AND THE CITY CENTER DEVELOPMENT AGENCY TO LOAN FUNDS FOR CAPITAL IMPROVEMENTS
  - a. Staff Report: Financial and Information Services Department
  - b. Council Discussion
  - c. Council Consideration: Resolution No. 07-\_\_\_\_\_

*Recess City Council Meeting*

*Convene City Center Development Agency (CCDA) Meeting*

- Call to Order:
  - Roll Call
- 
13. CONSIDER AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF TIGARD AND THE CITY CENTER DEVELOPMENT AGENCY (CCDA) TO LOAN FUNDS FOR CAPITAL IMPROVEMENTS
    - a. Staff Report: Financial and Information Services Department
    - b. CCDA Discussion
    - c. Consideration: CCDA Resolution No. 07-\_\_\_\_\_
  
  14. ADOPT CITY CENTER DEVELOPMENT AGENCY (CCDA) BUDGET
    - a. Staff Report: Community Development Department
    - b. CCDA Discussion
    - c. Consideration: CCDA Resolution No. 07-\_\_\_\_\_
  
  15. COUNCIL LIAISON REPORTS

16. NON AGENDA ITEMS

17. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

18. ADJOURNMENT

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Agenda Item No. 3.1.a  
For Agenda of June 12, 2007



***Tigard City Council Meeting Minutes***

Date: April 10, 2007  
Time: 6:30 p.m.  
Place: Tigard City Hall, 13125 SW Hall Boulevard  
Tigard, Oregon  
Attending: Mayor Craig Dirksen Presiding  
Councilor Gretchen Buehner  
Councilor Sydney Sherwood  
Councilor Tom Woodruff

Absent: -- Councilor Sally Harding

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session	Mayor Dirksen called the Study Session to order at 6:30 p.m.	
Executive Session	City Manager Prosser announced the Executive Session: The Tigard City Council went into Executive Session at 6:30 p.m. for consultation with legal counsel on litigation likely to be filed, under ORS 192.660(2) (h).  Executive Session concluded at: 6:45 p.m.	
Study Session (cont.)  Briefing on a Proposal to create a Commercial Crime Unit and use a Business Tax Increase for Funding – Police Department	Police Chief Dickinson introduced this agenda item and the history of how this proposal came about. By utilizing the GIS system, staff was able to view the direct correlation of a higher incidence of crimes within the commercial zones. Police Chief Dickinson also reviewed statistics for types of crime within the different zoning districts. To address crime in business areas, the staff would like the City Council and community to support a commercial crime unit with funding to come from an increase in the business tax.  Police Chief Dickinson and the Council reviewed a chart outlining rate structuring options for this tax. A copy of this chart is on file in the City Recorder's office.  Consensus of the City Council was that Police Chief Dickinson and his staff could present to the	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>community a proposed Commercial Crime Unit with funding from increasing the business taxes to determine whether the community was supportive.</p> <p>City Manager Prosser advised that this program is not in the proposed budget; staff will develop an issue paper for the Budget Committee to review.</p> <p>City Council requested that staff emphasize to the community that this is only an idea at this time. In addition, Councilor Sherwood suggested that Police Chief Dickinson contact the grocers lobby for their input.</p>	
<p>Study Session (cont.)</p> <p>Administrative Items</p>	<p>Tigard Chamber of Commerce Shining Stars Banquet, April 27, 6 p.m., Crowne Plaza; City Council members present indicated they would attend.</p> <p>Reminder: League of Oregon Cities Conference – September 27-29, Bend Riverhouse. Mayor Dirksen, Councilor Sherwood, Councilor Buehner, and Councilor Woodruff said they would attend this conference.</p> <p>Initiative Petition Status: Deadline for appeal of the ballot title was April 6, 2007. No objections were filed for the Repeal of Motor Vehicle Fuel Dealers Tax ballot title. Next step: Approve Petition cover and signature sheets for circulation by end of this week. Required number of signatures of registered Tigard voters: 3,596, which must be collected no later than June 18, 2007. Depending on when the signatures are turned in and verification is completed, timeline is for the measure to appear on either the September or November 2007 ballot.</p> <p>Public Hearing – Agenda Item No. 7 – Zoning Amendment (Continued from the March 13, 2007, City Council meeting). March 21, 2007 letter from Dianna Matthews was distributed to the City Council; this letter was forwarded to the Council in their mail packet.</p> <p>Changes to tonight's agenda: 1. Agenda Item No. 4 – Representative Galizio is unable to attend tonight.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>2. Agenda Item No. 9 – Public Hearing for Ballot Measure 37 Hearing – Way W. Lee – was set over to May 22, 2007.</p> <p>3. Council calendar, distributed to the City Council, was reviewed.</p> <p>Study Session concluded at 7:25 p.m.</p>	
<p>1. Business Meeting</p>	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:37 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Buehner, Sherwood, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications &amp; Liaison Reports</p> <p>Councilor Buehner reported she attended the MACC meeting last Thursday for Councilor Harding. The Commission has appointed Tigard resident Ann Robinson to the PEG Grant Review Committee. There was also an in depth review of Comcast customer service associated with customer complaints. Councilor Buehner noted that those who were attending the MACC meeting were reminded that they needed to be involved in the claim against the FCC regarding franchise fees and the right of way.</p> <p>Mayor Dirksen advised he recently attended a Washington County Coordinating Committee meeting discussion. Most of the discussion was on transportation funding and the Metro Regional Transportation Plan. A WCCC workshop meeting was held to discuss transportation funding and the potential of a Washington County bond measure in the future. The Mayor said he would wait to talk about this further when it is a topic at an upcoming City Council workshop meeting.</p> <p>Councilor Buehner reported that she has attended work group meetings on annexation</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>bills for the State legislature. She said she would report more fully at a later date.</p> <p>1.5 Call to Council and Staff for Non-Agenda Items</p> <p>City Manager Prosser pointed out that the new sound system was in operation for the first time at this Council meeting. He described some of the enhanced features of the system for sound and staff presentations.</p>	
2. Citizen Communication	<ul style="list-style-type: none"> <li>♦ Tigard High School Student Envoy Jasmina Dizdarevik presented her report on recent activities at the Tigard High School. A copy of her report is on file in the City Recorder's office.</li> <li>♦ Mayor Dirksen noted one person was signed up to speak on the Citizen Communication sign-up sheet. Mr. Sanford Inouye from Comcast signed up to speak on Agenda Item No. 8. Mayor Dirksen advised this was not a public hearing and asked the City Council members' opinion about whether they should hear from Mr. Inouye on this topic. After brief discussion, the City Council agreed to hear testimony from Mr. Inouye.</li> </ul> <p>Mr. Inouye referred to a letter that had been submitted to the City regarding Comcast's concerns with Agenda Item No. 8: Consideration of an ordinance to grant a cable franchise to Verizon Northwest, Inc. Two main issues by Comcast included:</p> <ol style="list-style-type: none"> <li>1. Comcast would want the "playing field" to be competitive and they would want to modify their current franchise if the proposed ordinance is adopted.</li> <li>2. Concerns about the types of services to be provided.</li> </ol> <p>Mayor Dirksen told Mr. Inouye that City Council had received all the letters on this issue. The Metropolitan Area Communications Commission has been asked to review the concerns.</p> <p>Mr. Inouye submitted a report: <i>A Picture is Worth a Thousand Words</i>. A copy of this report is on file</p>	



Agenda Item	Discussion & Comments	Action Items (follow up)
	in the City Recorder's office.	
3. Consent Agenda	<p>3.1 Approve Council Minutes for February 27, 2007</p> <p>3.2 Receive and File:</p> <p>3.2.a Council Calendar</p> <p>3.2.b Tentative Agenda</p> <p>3.2.c Annual Solid Waste Financial Report Findings</p> <p>3.3 Appoint Matt Clemo and Kandace Horlings as Regular Members; Dale Richards as Second Alternate Member and Reappoint Chair Janet Gillis to the Tigard Tree Board – Resolution No. 07-18</p> <p>A RESOLUTION OF THE TIGARD CITY COUNCIL APPOINTING MATT CLEMO AND KANDACE HORLINGS TO THE TREE BOARD AS REGULAR MEMBERS, DALE RICHARDS AS SECOND ALTERNATE, AND REAPPOINTING JANET GILLIS TO ANOTHER FOUR-YEAR TERM</p> <p>3.4 Appoint Ralph Hughes to the City Center Advisory Commission – Resolution No. 07-19</p> <p>A RESOLUTION APPOINTING RALPH HUGHES THE TO CITY CENTER ADVISORY COMMISSION</p> <p>3.5 Consider a Resolution Authorizing Amendment No. 1 to the Intergovernmental Agreement for Joint Funding of a Water Supply System Plan – Resolution No. 07-20</p> <p>A RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF TIGARD AND THE CITY OF LAKE OSWEGO FOR JOINT FUNDING OF A WATER SYSTEM PLAN</p> <p>3.6 Adopt Paid Time Off Policy for Management Employees – Resolution No. 07-21</p> <p>A RESOLUTION ADOPTING AN</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Buehner, to approve the Consent Agenda.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Buehner Yes Councilor Sherwood Yes Councilor Woodruff Yes</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p data-bbox="488 243 1068 373">AMENDMENT TO THE MANAGEMENT, SUPERVISORY &amp; CONFIDENTIAL GROUP PERSONNEL POLICIES ADDING PAID TIME OFF POLICY</p> <p data-bbox="431 453 1068 657">3.7 Approve Proposal to Transfer Custody of Records Created, Assembled and Maintained by Tigard Staff During the Term of the Urban Services Intergovernmental Agreement between the City of Tigard and Washington County - Resolution No. 07-22</p> <p data-bbox="488 699 1084 1014">A RESOLUTION DOCUMENTING THE TRANSFER OF CUSTODY FROM THE CITY OF TIGARD TO WASHINGTON COUNTY THOSE RECORDS CREATED, ASSEMBLED AND MAINTAINED BY THE CITY OF TIGARD DURING THE TERM OF THE CITY OF TIGARD/WASHINGTON COUNTY URBAN SERVICES INTERGOVERNMENTAL AGREEMENT</p> <p data-bbox="431 1094 1068 1304">3.8 Approve Budget Amendment #13 to the FY 2006-07 Budget to Increase Appropriations in the Water CIP Fund Capital Projects Budget within the Community Investment Program for Additional Funding for the Lake Oswego Feasibility Study Project – Resolution No. 07-23</p> <p data-bbox="488 1346 1068 1661">A RESOLUTION APPROVING BUDGET AMENDMENT #13 TO THE FY 2006-07 BUDGET TO INCREASE APPROPRIATIONS IN THE WATER CIP FUND CAPITAL PROJECTS BUDGET WITHIN THE COMMUNITY INVESTMENT PROGRAM FOR ADDITIONAL FUNDING FOR THE LAKE OSWEGO FEASIBILITY STUDY PROJECT</p> <p data-bbox="431 1703 1068 1860">3.9 Local Contract Review Board: 3.9.a Award Contract for Wetland Consulting Services for the Washington Square Regional Center Greenbelt Trail Project to Virgil-Agrimis, Inc.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>3.9.b Award Contract for Aquifer Storage and Recovery (ASR) Test Well Drilling to Boart Longyear, Inc.</p> <p>3.9.c Award of Contract for the Construction of Ann Street Sanitary Sewer Extension (Sewer Reimbursement District No. 40) to Cipriano &amp; Son Construction</p> <p>3.9.d Award of Contract for Engineering Services for the SW Cherry Street Sanitary Sewer Project to Century West Engineering Corp.</p> <p>Mr. Ralph Hughes was present. Mayor Dirksen thanked Mr. Hughes for agreeing to serve on the City Center Advisory Commission. (See Agenda Item 3.4)</p>	
<p>4. Legislative Briefing – Senator Burdick</p>	<p>Senator Burdick updated the City Council on the following State legislature matters:</p> <ul style="list-style-type: none"> <li>▪ Much work is going on behind the scenes regarding Measure 37. Compromises are being sought with emphasis on building a home on property; de-emphasis on use of Measure 37 for commercial purposes.</li> <li>▪ Senator Burdick won a walking contest; her prize money will be split ½ to Metzger Elementary School and ½ to the Portland Public Schools.</li> <li>▪ Major issues relating to budget are coming up including public schools, community colleges and higher education.</li> <li>▪ A number of annexation bills are being studied. She said Tigard could count on her to support the rights of cities.</li> <li>▪ Reference made to attorney/client privileges for cities and acknowledgement that this needs to be maintained for cities (i.e., Executive Sessions).</li> <li>▪ “Gut and stuff” season is starting where the stated subject of the bill might not really be what is contained in the proposed bill.</li> </ul>	
<p>5. Washington County Vision Action Network (VAN) Presentation</p>	<p>VAN Executive Director Sia Lindstrom and Board Member Conrad Pearson spoke to the City Council.</p> <p>The main topics were presented to the Council in a PowerPoint presentation. A copy is on file in the City Recorder's office.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)								
	<p>The purpose of VAN was reviewed as well as the following issue areas:</p> <ul style="list-style-type: none"><li>▪ Affordable Housing</li><li>▪ Aging and Disabilities</li><li>▪ Basic Needs</li><li>▪ Behavioral Health</li><li>▪ Children &amp; Families</li><li>▪ Education</li><li>▪ Environment</li><li>▪ Primary Health Care</li></ul> <p>Services in and around the City of Tigard were reviewed as well as how the investment in VAN has benefited the City of Tigard.</p> <p>Councilor Sherwood noted her support of VAN and that she is aware of the many good things that have come to the community because of this organization.</p>									
6. Grant Exemption from Property Taxes Under Tigard Municipal Code Section 3.50 for Three Non-Profit Low Income Housing Projects Owned and Operated by Community Partners for Affordable Housing (CPAH) and One Housing Project Operated by Tualatin Valley Housing Partners (TVHP)	<p>Finance Director Sesnon presented the staff report. A summary of the staff report is on file in the City Recorder's office.</p> <p>Before the City Council is a proposed resolution to exempt three low-income housing projects from City of Tigard property taxation in 2007.</p> <p>After brief discussion the City Council considered the proposed resolution.</p> <p>RESOLUTION NO. 07-24 – A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR THREE NON-PROFIT LOW INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING (CPAH) AND ONE HOUSING PROJECT THAT IS OPERATED BY TUALATIN VALLEY HOUSING PARTNERS (TVHP)</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adopt Resolution No. 07-24.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Buehner</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Buehner	Yes	Councilor Sherwood	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes									
Councilor Buehner	Yes									
Councilor Sherwood	Yes									
Councilor Woodruff	Yes									

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>7. Continuation of Residential Zoning District Use Regulations Amendment (Legislative Public Hearing) – Tigard Development Code Chapter 18.510 to Allow School Bus Parking as an Accessory Use on High School Sites in Residential Zones Subject to Location and Time Restrictions (Not Within 200 Feet of a Property Line Abutting a Residential Use and Not More Than Three Years)</p>	<p>Mayor Dirksen announced the continuation of the public hearing, which was opened on March 13, 2007.</p> <p>City Attorney Ramis commented on process and advised there was no need for the City Council to make statements regarding declarations unless circumstances changed since the last hearing. Councilor Sherwood advised she was not present at the initial public hearing; she said she drives by the site.</p> <p>Planning Manager Bewersdorff reviewed the history of the request before the City Council.</p> <p>Mayor Dirksen advised that public testimony had been closed on March 13; however, additional public testimony can be received if necessary.</p> <p>Councilor Woodruff advised at the initial hearing there was concern expressed that this would be a long-term use. With a three-year limitation, he indicated he could support the proposed amendments. Councilor Buehner and Councilor Sherwood indicated they agreed with Councilor Woodruff.</p> <p>Council considered Ordinance No. 07-05:</p> <p>ORDINANCE NO. 07-05 – AN ORDINANCE AMENDING THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.510 – RESIDENTIAL ZONING DISTRICTS SPECIFICALLY TABLE 18.510.1, USE TABLE TO ADD FOOTNOTE 12 TO ALLOW SCHOOL BUS PARKING AS AN ACCESSORY USE ON HIGH SCHOOL SITES WITHIN ALL RESIDENTIAL ZONES</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff, to adopt Ordinance No. 07-05.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen        Yes Councilor Buehner    Yes Councilor Sherwood   Yes Councilor Woodruff   Yes</p>
<p>8. Approve Ordinance Granting a Cable Franchise to Verizon Northwest, Inc.</p>	<p>Metropolitan Area Communications Commission (MACC) Administrator Bruce Crest presented the information about the proposed cable franchise agreement with Verizon Northwest, Inc. to the City Council.</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Buehner, to adopt Ordinance No. 07-06.</p> <p>There was discussion on the</p>

Agenda Item	Discussion & Comments	Action Items (follow up)								
	<p>The written copy of the MACC staff report is on file in the City Recorder's office.</p> <p>The Mayor responded to a request for testimony from members present in the audience. Mayor Dirksen advised that this was not a public hearing and public testimony would not be taken at this time.</p> <p>MACC Administrator Crest spoke of the benefits of competition to the advantage of subscribers.</p> <p>During the discussion reference was made to Verizon as a franchised business in the City of Tigard. City Manager Prosser clarified that Verizon does not have a current franchise agreement with the City. The City has adopted an ordinance for service providers such as Verizon and regulations, as specified in the ordinance are being used.</p> <p>Councilor Buehner noted concerns about service and the need for consistency. She questioned whether any assurances could be made that Verizon would comply with the agreement. MACC Administrator Crest explained how Verizon services are separated out. MACC has the responsibility to assure the agreement is followed and that Verizon complies with the terms of the agreement. City Manager Prosser advised that the "right-of-way" ordinance does not address billing issues; those are regulated by the state.</p> <p>MACC Administrator Crest said it was hoped that when Verizon launches its services, the resulting competition with companies (i.e., Comcast) will be of benefit to the customer.</p> <p>Councilor Buehner noted problems she has encountered with her business telephone. Councilor Woodruff advised that there have been a number of complaints from citizens with regard to work done by Verizon contractors when lines were being installed.</p> <p>The City Council considered the proposed ordinance.</p>	<p>motion. Councilor Buehner noted she would have problems voting in support because her past experiences have been sufficiently bad; she indicated she would likely vote "no." Councilor Woodruff said he viewed support for this ordinance as a "step in faith" and was supportive because he believes in competition and offering choices. He said he hoped this would be a good thing for citizens. Councilor Sherwood indicated agreement with Councilor Woodruff's comments and added she was aware of MACC's work in getting the agreement to this point. Mayor Dirksen indicated he was supportive of the agreement and commented on the differences being presented in this agreement from the previous franchise agreement with Comcast. He said his support was not just because other cities in MACC's jurisdiction have given their approval. Mayor Dirksen said he favored continual review and additional requirements if needed. He indicated he also supported the agreement because of the competition it would bring.</p> <p>The vote on the motion was conducted by roll call:</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Buehner</td><td>No</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Buehner	No	Councilor Sherwood	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes									
Councilor Buehner	No									
Councilor Sherwood	Yes									
Councilor Woodruff	Yes									

Agenda Item	Discussion & Comments	Action Items (follow up)
	ORDINANCE NO. 07-06 – AN ORDINANCE GRANTING A NON-EXCLUSIVE CABLE FRANCHISE TO VERIZON NORTHWEST, INC., AND DECLARING AN EMERGENCY	The motion was approved by a majority vote of Council present.
9. Ballot Measure 37 Quasi Judicial Public Hearing – Way W. Lee General Contractor, Inc. (2006-00004)	Public hearing was set over to May 22, 2007.	
Adjournment	The meeting adjourned at 8:57 p.m.	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen        Yes  Councilor Buchner    Yes  Councilor Sherwood   Yes  Councilor Woodruff    Yes</p>

\_\_\_\_\_  
Catherine Wheatley, City Recorder

Attest:

\_\_\_\_\_  
Mayor, City of Tigard

Date:\_\_\_\_\_



Agenda Item No. 3.1.6  
 For Agenda of June 12, 2007



***Tigard City Council Meeting Minutes***

Date: April 17, 2007  
 Time: 6:30 p.m.  
 Place: Tigard City Hall, 13125 SW Hall Boulevard  
 Tigard, Oregon  
 Attending: Mayor Craig Dirksen Presiding  
 Councilor Gretchen Buehner  
 Councilor Sally Harding  
 Councilor Sydney Sherwood  
 Councilor Tom Woodruff  
 Absent:

Agenda Item	Discussion & Comments	Action Items (follow up)
Workshop Meeting	<p>1.1 Mayor Dirksen called the City Council to order at 6:34 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Buehner, Harding, Sherwood, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications &amp; Liaison Reports</p> <p>1.5 Call to Council and Staff for Non-Agenda Items</p> <p>City Manager Prosser said there were several Non-Agenda Items that were included in the Council Newsletter Packet on Friday that would be discussed at the end of the Workshop meeting. These include funding requests and information on the Regional Transportation Plan. He said Councilor Buehner had a report on the state legislative annexation discussions and wanted feedback from Council.</p> <p>Councilor Buehner said she also had a report from the Intergovernmental Water Board.</p>	
2. Tree Board Interim Charge Statement – Tree Protection and Urban Forest	<p>Long Range Planning Manager Bunch gave the staff report. Tree Board members Rob Callan, Kandace Horlings and Chair Janet Gillis and were in attendance. Mr. Bunch noted that the Tree Board was established in 2001 with the mission to protect</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
Enhancement	<p>trees on public property.</p> <p>He described the process through which the Tree Board developed their proposed interim charge statement. He suggested a broader role for the Tree Board would include advising the Council, Planning Commission and others regarding Tigard's natural resources and trees.</p> <p>Councilor Harding agreed with the Tree Board's direction and the term "interim" in their charge statement, saying there may be even more responsibilities assigned to the Tree Board when the Comprehensive Plan is updated.</p> <p>Mayor Dirksen said he was very supportive of the direction this was going and particularly appreciated the philosophy in Attachment 2 recognizing balancing the needs of private property owners with the needs of the community and the protection of resources.</p> <p>Councilor Harding reminded the Tree Board that they don't have to wait for a Council meeting; they can contact their liaison, Councilor Woodruff, whenever they have something to discuss.</p> <p>Long Range Planning Manager Bunch said staff would prepare a Tree Board Interim Charge Statement of Tree Protection and Urban Forest Enhancement agenda item for Council consideration at a future meeting.</p>	
3. Reconsideration of Planning Commissioner Duties to Serve as Liaisons to Other Boards, Commissions, and Committees	<p>Long Range Planning Manager Bunch gave the staff report and noted that Planning Commission Chair Jodie Inman and Vice-Chair David Walsh were in attendance.</p> <p>He said there were two issues to discuss –</p> <ol style="list-style-type: none"> <li>1) Should the City Council suspend the mandatory practice of having Planning Commission members serve as liaisons to other City boards, commissions and committees?</li> <li>2) Should the City Council modify the CCAC bylaws to replace the Planning Commissioner position with a Tigard resident having expertise in</li> </ol>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>real estate development, urban planning, or affordable housing?</p> <p>He said staff recommends that Council not mandate that Planning Commission members serve on other City Boards or Committees. He said this would not prevent a voluntary membership on another Board or Committee but would end the ad hoc practice of requiring it.</p> <p>He said the CCAC requested a member who is an expert in real estate development, urban planning and design, or affordable housing that can serve full time on the CCAC.</p> <p>He said if Council accepts these recommendations there are other ways to ensure good communication such as charging staff with that responsibility. He said, for example, the Community Development Department has the responsibility to staff many of the boards and commissions and that one department could provide communication among several.</p> <p>Mayor Dirksen asked if there were any members of the Planning Commission who wished to comment.</p> <p>Planning Commission President Inman noted the past year's high attrition rate and said the number of meetings had increased significantly due to the Comprehensive Plan amendment, downtown development, and the urban renewal district. She said the additional requirement that members serve on other boards could lead to continued attrition and the Planning Commission supported bringing this issue to Council.</p> <p>Councilor Woodruff said the Planning Commission is clearly involved in major activities currently and has Council's full support. He said it seemed reasonable not to expect them to serve on additional committees unless they have the desire to do so.</p> <p>Councilor Buehner said she remembered that the Ordinance forming the Parks Board required a Planning Commission member so an ordinance change would be required. She said she personally</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>disagreed with ending this requirement. Councilor Buehner said she thought the CCAC worked much better because a Planning Commission member was there.</p> <p>Mayor Dirksen expressed dismay at the recent board turnover and said he realizes that a lot is expected of the City's boards and commissions. He said if adjustments make the service less burdensome, yet can maintain the effectiveness of the boards, he supported them. He said he assumed that the Boards and Commissions monitor each other's minutes and if they see something within the minutes, comment on it and address the issue. He encouraged the City's boards and commissions to communicate with each other as they see fit. He said Council may ask them for closer communication when they deem it necessary.</p>	
4. Enhanced Citizen Participation Update	<p>Assistant City Manager Newton reported that progress has been made on the neighborhood web pages.</p> <p>She noted a staffing change has occurred and Nancy Lof, formerly in the Information Processing Department, moved over to the City Administration Department to fill a Communication/Graphic Designer role. She will be working on the City's website as well as developing the neighborhood web page project.</p> <p>She showed Council a neighborhood web page template. She said the neighborhood web pages will include the City's logo and a link to Tigard's home page. She said people will also be able to see land use decisions in their neighborhood listed with ties to the GIS system. Another feature the City will provide is photographs. Technical aspects of a blogging system whereby they could submit questions are being worked on.</p> <p>She said neighborhood contacts will receive training and guidelines and some content from the City but will be developing their own neighborhood news.</p> <p>In response to a question from Councilor Woodruff on whether content would be given to the City</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>webmaster, Assistant City Manager Newton said the neighborhoods will be able to load it themselves, similar to what the Tigard Youth Advisory Council does now. She said the City will provide them with training but City staff will not manage them.</p> <p>She said the idea of the neighborhood programs is to empower people in the neighborhoods to address their issues locally as much as possible, with the City's assistance.</p> <p>She said the plan is to use Community Connectors to test the newsletters in pilot neighborhoods and program is on track to be rolled out by the end of the year.</p> <p>Councilor Sherwood said she thought this would even create more interest in the City website.</p> <p>Assistant City Manager Newton noted that the focus this summer is on community-building events in pilot neighborhoods. There will also be work done this summer with the CCI to develop a committee structure.</p> <p>She said upgrades on print materials the City produces are in process. Regarding the Council's Goal on communication, she said the citizen comment card was completed and sent to the printer. She said they are looking at additional liaison training for boards and commissions.</p>	
<p>5. Workshop Prior to Public Hearing for Comprehensive Plan Amendment to Update Downtown Goals, Policies, and Action Measures</p>	<p>Long Range Planning Manager Bunch introduced new employee John Floyd, recently hired as an Associate Long Range Planner.</p> <p>Associate Planner Farrelly gave the staff report and PowerPoint presentation on the Comprehensive Plan Amendment which is scheduled for a public hearing at the April 24, 2007, Council meeting.</p> <p>He said the proposed Amendment updates the downtown goals, policies and action measures and provides the legislative foundation for future changes in the Downtown program, such as new land use and design regulations. He said this update is necessary in order to implement the Tigard</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Downtown Improvement Plan (TDIP). He said the current Comprehensive Plan language is inadequate, and this Comprehensive Plan Amendment reflects Downtown's new multifunctional role.</p> <p>He said the goal of the TDIP and the Comprehensive Plan Amendment is the same – create a vibrant and active urban village at the heart of the community, that is pedestrian oriented, accessible by many transportation modes, recognizes and uses natural resources as an asset, and features a combination of uses that enable people to live, work, play and shop in an environment that is uniquely Tigard.</p> <p>He said that on March 19, 2007, a public hearing was held before the Planning Commission. In the public testimony, two main concerns were voiced: 1) Nonconforming uses; and 2) Process and Procedural Issues. He said these concerns are addressed in detail in a March 29, 2007 memo in the Council packet. The Planning Commission made one revision and then recommended approval, by unanimous vote.</p> <p>Mayor Dirksen said it is timely to make this Comprehensive Plan amendment so we can move ahead with the downtown plan. He also said he was impressed with the response staff gave to citizen concerns.</p>	
6. Future MSTIP Proposal	<p>Engineer Duenas presented a PowerPoint on a proposal from the WCCC (Washington County Coordinating Committee) members to dedicate future MSTIP (Major Streets Transportation Improvement Program) revenue to arterial and collector streets of Countywide significance. He said it is proposed that Traffic Impact Fees (TIF) be used for collector streets.</p> <p>Mayor Dirksen noted that he attended the March 22, 2007, WCCC workshop meeting of elected officials who agreed with this proposal. He said he needs Council direction on this proposal to take back to the May 7, 2007, WCCC meeting.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Councilor Woodruff said he was concerned that “county-wide significance” is not defined.</p> <p>Councilor Harding said it is important to have elected officials as well as staff on these committees because they are more effective in obtaining funding for the south portion of Washington County.</p> <p>Engineer Duenas discussed funding scenarios and asked for Council’s feedback.</p> <p>Councilor Sherwood asked whether there would be an inventory of all county roads identifying their maintenance needs. Engineer Duenas said there was a list identifying existing roads and their deficiencies as well as future capacity requirements. He said some roads need widening, not just maintenance, such as 72nd Avenue, for example.</p> <p>Councilor Buehner said this area of Washington County needs to represent itself more and express its needs. Councilor Sherwood noted that one of the current year’s Council Goals is for the Council to become more involved with Metro and the County. She said obtaining funds for roads is very political and Tigard must be politically engaged at every level.</p> <p>Councilor Harding said it was also important to get the Tigard business community involved.</p> <p>Council consensus was to move forward on another MSTIP bond based on county-wide significant arterials.</p> <p>Engineer Duenas noted that the county-wide TIF (Traffic Impact Fee) was estimated to cover 33% and now is only at 20%-25%. He said different scenarios were presented by Washington County, involving the existing TIF, amendment of the TIF or a county SDC or city SDC. He asked which options the Council supported.</p> <p>Councilor Buehner recommended that Tigard have its own TIF or SDC.</p>	



Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Mayor Dirksen supported continuing a county TIF but also having a City SDC or TIF so money earned locally remains in Tigard. He noted that Sherwood's SDC is much higher than Tigard's yet it has not curtailed development.</p> <p>Consensus from Council is to support the county TIF but explore an SDC or TIF locally to help cover costs.</p>	
7. Realignment of 175 <sup>th</sup> Avenue	<p>Engineer Duenas presented a staff report and asked Council if they desired to take a position regarding the realignment of SW 175<sup>th</sup> Avenue at Scholls Ferry Road. He said this project is funded by Washington County's MSTIP 3B program.</p> <p>Mayor Dirksen said since this is not inside the city limits of Tigard he did not want to invest much time in discussing it.</p> <p>Councilor Buehner said the intent of Roy Rogers Road was to provide a north-south traffic connection that could move quickly. She said if traffic is all run onto Roy Rogers Road it defeats the purpose and will have an impact on Tigard residents. She said 175<sup>th</sup> is going to be continued south of Scholls Ferry Road.</p> <p>Engineer Duenas noted that Roy Rogers Road is backed up in the evenings all the way to Bull Mountain. An alternate route might help with severe congestion.</p> <p>Mayor Dirksen said this was an issue for the people who will be doing the planning for this area but he agreed it was good to be cognizant of what is going on.</p>	
8. Non Agenda Items	<p>1. Status of Metro's 2035 Regional Transportation Plan (RTP)</p> <p>Long Range Planning Manager Bunch summarized the Status of the RTP and how it affects Tigard. He said the process to update the Regional Transportation Plan is different than in the past and is designed to be consistent with Metro's New Look.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>He said this transportation plan is also different in that is not just a project list. He said its focus is on the entire regional system to achieve desired outcomes that are in the Region 2040 plan – centers, corridors, economic development, and freight and business centers - with an emphasis on freight mobility. He said this RTP Update emphasizes two tracks in Phase Three that make a distinction between transportation investments that serve statewide and regional mobility, and those investments that build communities.</p> <p>He said it will be important for Tigard and other jurisdictions to weigh in on investment strategies both for statewide mobility (I-5 and Highway 217) and for transportation projects that promote the community building.</p> <p>He said staff will be working with the Washington County Coordinating Committee (WCCC) and the City Council to list projects that meet specific criteria in the RTP. Two big criteria for the projects are: a) cost is more than \$1 million and b) must go through a process.</p> <p>Long Range Planning Manager Bunch said the projects are due to Metro on June 8 and the RTP adoption process is scheduled from October through December. A draft will be available for public review and comment in October, 2007.</p> <p>Community Development Director Coffee noted that rapid bus transportation is indicated on the existing plan and may drop off if it doesn't get some consideration. He said a rapid bus system utilizes exclusive lanes for buses that have frequent stops.</p> <p>Mayor Dirksen said concerns were expressed by Washington County leaders regarding the RTP process and the lack of focus on surface as opposed to multi-modal transportation. He said there is also a concern about how project importance is weighted, i.e., a sidewalk in Portland's Pearl District may carry the same weight as an additional lane on Highway 217.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Councilor Buehner said she is concerned that widening 217 only between Canyon Road and Highway 26 will not resolve major bottlenecks.</p> <p>Mayor Dirksen said Tigard is in a good position because the Capital Investment Plan was just updated and projects have been identified in the transportation system plan and the Washington Square Regional Center plan.</p> <p>Councilor Harding suggested reminding the community to write to Metro and ODOT (perhaps through a link on the City webpage) and support the transportation projects for the south part of Washington County.</p> <p>2. City Manager Prosser said the City recently received three requests for funding from outside groups.</p> <p>These requests are time sensitive and if Council wishes to consider them they require budget amendments to be presented for Council approval at the April 24, 2007 Council business meeting. Requests include:</p> <ul style="list-style-type: none"> <li>a) \$1,000 in funding towards a sustainability study that the Vision Action Network is creating for Washington County.</li> <li>b) Tigard Safety Town has been teaching safety awareness to children between the ages of 4 and 6 since 1972. The City does not sponsor the event but Tigard Police assist with training components. The City has provided insurance in the past but this year the insurer would not add it to Tigard's policy because Safety Town is not "directed and controlled" by the City. This information was not received in time for them to increase the Safety Town registration fees this year. They are requesting \$2,872.</li> <li>c) The third request was from community organizers of an event in Cook Park for dog owners and their pets. They requested that</li> </ul>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>the City cover the insurance costs which Tigard's insurance carrier will not cover because, as with Safety Town, the City does not "direct and control" the event. Instead, the City of Tigard waived the insurance requirement so this funding request has been withdrawn.</p> <p>Council agreed to consider the Tigard Safety Town and the Vision Action Network funding requests at the April 24, 2007 Council meeting, on a one-time basis</p> <p>3. Councilor Buehner gave an update on annexation legislation.</p> <p>She noted that the legislative counsel's opinion was that deferring and phasing in of property taxes is unconstitutional. Mayor Dirksen asked if this affects Tigard's policy of phasing in taxes for new annexations. City Manager Prosser said the City Attorney should be consulted on that question. He said he did not think Oregon's Attorney General had weighed in on this yet.</p> <p>Mayor Dirksen said he would be opposed to any restriction on the City's ability to annex island properties. He asked Council if their consensus was to request their legislator to vote no. They agreed that this was their consensus.</p> <p>4. Mayor Dirksen mentioned that May 29, 2007 is the next scheduled Fifth Tuesday meeting.</p> <p>5. City Manager Prosser said budget hearings start on Monday, April 30, 2007, and the Budget Committee plans to complete these hearings in three meetings this year. The dates are April 30, May 7 and May 14 at 6:00 p.m. in the Library Community Room.</p> <p>6. Councilor Buehner said she will report on the Intergovernmental Water Board at the next Council meeting.</p>	<p>City Manager will request an opinion from the City Attorney on property tax deferral for annexed property.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
10. Adjourn	The meeting adjourned at 8:46 p.m.	<p>Councilor Woodruff moved and Councilor Sherwood seconded the motion, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen        Yes  Councilor Buehner    Yes  Councilor Harding    Yes  Councilor Sherwood   Yes  Councilor Woodruff   Yes</p>

\_\_\_\_\_  
Carol A. Krager, Deputy City Recorder

Attest:

\_\_\_\_\_  
Mayor, City of Tigard

Date:\_\_\_\_\_



# MEMORANDUM

TO: Honorable Mayor & City Council  
FROM: *Cathy*  
Cathy Wheatley, City Recorder  
RE: Three-Month Council Meeting Calendar  
DATE: June 4, 2007

Agenda Item No. 3.2.9  
For Agenda of June 12, 2007

Regularly scheduled Council meetings are marked with an asterisk (\*).

## June

12\* Tuesday Council Business Meeting – 6:30 pm, Town Hall  
19\* Tuesday Council Workshop Meeting – 6:30 pm, Town Hall  
26\* Tuesday Council Business Meeting – 6:30 pm, Town Hall

## July

10\* Tuesday Council Business Meeting – 6:30 pm, Town Hall  
17\* Tuesday Council Workshop Meeting – 6:30 pm, Town Hall (Tentatively: Joint Meeting with Intergovernmental Water Board and Lake Oswego City Council)  
24\* Tuesday Council Business Meeting – 6:30 pm, Town Hall  
31 Tuesday Fifth Tuesday Council Meeting – 7 pm, Library Community Room

## August

14\* Tuesday Council Business Meeting – 6:30 pm, Town Hall  
21\* Tuesday Council Workshop Meeting – 6:30 pm, Town Hall  
28\* Tuesday Council Business Meeting – 6:30 pm, Town Hall

Tigard City Council Tentative Agenda 2007

Agenda Item No. 3.2.6  
Meeting of June 12, 2007

<b>Meeting Date:</b> June 12, 2007 <b>Meeting Type/Time:</b> Business/CCDA/6:30 p.m. <b>Location:</b> City Hall <b>Greeter:</b> <b>Materials Due @ 5:</b> May 29, 2007	<b>Meeting Date:</b> June 19, 2007 <b>Meeting Type/Time:</b> Workshop/6:30 p.m. <b>Location:</b> City Hall <b>Greeter:</b> <b>Materials Due @ 5:</b> June 5, 2007	<b>Meeting Date:</b> June 26, 2007 <b>Meeting Type/Time:</b> Business/6:30 p.m. <b>Location:</b> City Hall <b>Greeter:</b> <b>Materials Due @ 5:</b> June 12, 2007
Study Session	Workshop Agenda	Study Session
Exec. Session - Real Property - Dennis K. - 10 min. Exec. Session - Exempt Records - Tim R. - 15 min. Exec. Session-Labor Relations-Sandy Z. - 10 min. Exec. Session-Pending Litigation - Dennis K.- 10 min.	Joint Meeting with the Intergovernmental Water Board - Dennis K. - 60 min. Highway 99W Corridor Improvement and Management Plan Update - Gus - 30 min. I-5 - Hwy 99W Connector Project Overview - Gus D. - 15 min. ODOT Region 1 Director Jason Tell - Gus D. - 20 min. CCAC- Urban Renewal Mktng. & Comm-PPT Phil N. - 20 min. Amend Affordable Housing Assistance Fee- Duane - 15 min Exec. Session - Labor Negotiations	Building Valuation Change - Tom C. - 15 min. Distribute City Council Groundrules - Cathy W. - 5 min.
Consent Agenda		Consent Agenda
Transfer Surplus Water Property to Parks - Dennis-RES Adopt Revisions to Citywide Personnel Pol.-Sandy-RES CCDA - Approve Downtown Imp. Strat. - Tom C. Approve IGA Amend.#1 for Tri-Met Police Svsc-Chief Approve Amend.#1 to City Mgr. Employment Agree. to provide PTO - Craig P. LCRB-Bull Mountain Rt. Turn Lane Cont. - Gus		Amend Affordable Housing Assistance Fee- Duane - <b>Need RTS</b> Award Pavement Major Maint. Prog. Contract - Gus Building Valuation Change - Tom C. Appoint Library Board Member - Margaret B. Adopt SEIU/OPEU Local 199 Collective Bargaining Agreement - Sandy Z. Approve COLA & Insurance Options for Mgmt., Prof. & Confidential Employees - Sandy Z.
Business Meeting		Business Meeting
Res. Zone CU Change-Theater-LEG PH-Tom-45 min- .ORD Goodlett Annex. (ZCA 2007-00002) QJPH-Tom 20-ORD Certify City provides Services Qualifying for State Shared Revs - RES - Bob S. - 5 min. Declare City's Election to Receive State Revenues - PH - RES - Bob S. - 5 min. Approve CIP for 2007-12 - PH -Tom C. - 10 min. Adopt Citywide Master Fees & Charges Schedule Bob S. - RES - 10 min. Adopt FY 2007-08 Budget - PH - RES Bob S.- 25 min IGA between City & CCDA to loan Funds for Cap. Improvements - Bob S. - 5 min. IGA between CCDA & City to borrow Funds for Cap. Improvements - Bob S. - 5 min. CCDA Budget Adoption - Bob S. - 5 min. Time Avail: 135 min. - Time Scheduled: 135 min. Time Left: 0 min.	Time Avail: 200 min. - Time Scheduled: 160 min. Time Left: 40 min.	Chamber of Commerce Rep. - 10 min. Presentation of Award to "If I Were Mayor" Contest Winners - Joanne B. - 15 min. Presentation by Essential Health Clinic -Liz-10 min. Amend TMC regarding Alcohol in Parks Dennis K./Dan P. - 10 min.- ORD Declare TWD property as Surplus & Direct City Mgr. to explore purchase - Dennis K. - 15 min. - RES Time Avail: 135 min. - Time Scheduled: 60 min. Time Left: 75 min.

Tigard City Council Tentative Agenda 2007

Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	July - TBA  City Hall	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	July 10, 2007 Business/6:30 p.m. City Hall  June 26, 2007	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	July 17, 2007 Joint LO Mtng/6:30 City Hall  July 3, 2007
Joint Meeting w/TTSD		Study Session		Workshop Agenda	
Joint Meeting with Tigard-Tualatin School District and Durham, King City and Tualatin - Tigard to host  TO BE SCHEDULED		Council Discussion re Changes to Council Groundrules - Cathy W. - 10 min.		Joint Meeting with Intergovernmental Water Board and the Lake Oswego City Council to Continue Discussions on a Possible Water Partnership  NO OTHER ITEMS WILL BE SCHEDULED	
		Consent Agenda			
		Workers Compensation Insurance Coverage for City Volunteers - Loreen			
		Business Meeting			
		Set Election Date for Special City Councilor Election (9/18 or 11/6) - Cathy - 10 min.			
		Time Avail: 135 min. - Time Scheduled: 10 min. Time Left: 125 min.		Time Avail: 200 min. - Time Scheduled: 90 min. Time Left: 110 min.	



Tigard City Council Tentative Agenda 2007

Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	July 24, 2007 Business/6:30 p.m. City Hall  July 10, 2007	Meeting Date: Meeting Type/Time: Location: Greeter:	July 31, 2007 5th Tues/7 PM Water Building Aud.	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	August 14, 2007 Business/6:30 p.m. City Hall  July 31, 2007
Study Session		Fifth Tuesday Meeting		Study Session	
City Manager Review - Admin/HR?					
Consent Agenda				Consent Agenda	
Business Meeting				Business Meeting	
Chamber of Commerce Rep. - 10 min. Council Goal Update - Admin. - 15 min. SI Info. Public Hearing - Finalize Sewer Reimb. Dist.#40 (Ann St.) - PPT - RES - Gus. D. - 15 min. Is Tigard a Good Place to Grow Old? - Presentation by Wash. Co. Disability, Aging & Veteran Svcs. - Loreen - 30 min.				I-5 to Highway 99W Connector Project Briefing - Gus D. - 30 min.	
Time Avail: 135 min. - Time Scheduled: 70 min. Time Left: 65 min.				Time Avail: 135 min. - Time Scheduled: 30 min. Time Left: 105 min.	

Agenda Item #

Meeting Date

June 12, 2007

## **COUNCIL AGENDA ITEM SUMMARY**

City Of Tigard, Oregon

Issue/Agenda Title Adoption of Revisions to City Wide Personnel Policies

Prepared By: Sandy Zodrow, HR Dir. Dept Head Approval: CP City Mgr Approval: CP

### **ISSUE BEFORE THE COUNCIL**

Should the Council adopt the proposed revisions to the City Wide Personnel Policies

### **STAFF RECOMMENDATION**

Adopt the proposed revisions to the City Wide Personnel Policies

### **KEY FACTS AND INFORMATION SUMMARY**

The City Wide Personnel Policies have not been had a comprehensive review and update since 1998. Over approximately the last year, city department directors and the City Manager's Office have completed an extensive review of the City Wide Personnel Policies, with input and review from the City Attorney. Major highlights of the proposed changes include: 1) background checks will be required on finalists for any city job as determined by the department director 2) reasonable suspicion drug testing will be allowed if there is evidence that would lead a reasonable person to suspect that drugs or alcohol are adversely affecting job performance or endangering the public or others (this is in addition to the existing Department of Transportation legal requirements for random drug testing of positions requiring a Commercial Driving License such as those in Public Works) 3) employees will be allowed limited access to City employee benefit websites such as Blue Cross and Kaiser during business hours however no access will be allowed to city benefit sites such as deferred compensation or other investment related sites 4) employees will be allowed to use personal vehicles for city business and receive IRS mileage if they have minimum insurance coverage limits, provide proof in advance of coverage, and have supervisory approval.

### **OTHER ALTERNATIVES CONSIDERED**

None - these policies are in need of updating at this time.

### **CITY COUNCIL GOALS**

Not applicable

### **ATTACHMENT LIST**

Exhibit A - Revisions to the City Wide Personnel Policies

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## FISCAL NOTES

Minimal costs associated with revisions will be absorbed within existing department budgets

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CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 07-\_\_\_\_\_

A RESOLUTION ADOPTING REVISIONS TO THE CITY WIDE PERSONNEL POLICIES

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WHEREAS, the City Wide Personnel Policies have not been comprehensively reviewed and updated since 1998; and

WHEREAS, this review and update has been conducted by the City ; and

WHEREAS, these proposed revisions to the City Wide Personnel Policies have been included in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The proposed Revisions to the City Wide Personnel Policies are adopted effective July 1, 2007.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2007.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

Red = New Language

## EXHIBIT A - PROPOSED REVISIONS TO City of Tigard Personnel Policies

*Revised June 12, 2007*

### POLICY NUMBER AND TITLE

30.0 Purpose

31.0 Code of Ethics

32.0 Conduct and Appearance

33.0 Equal Employment Opportunity/Non-Discrimination/Anti-Harassment

34.0 Workplace Violence

35.0 Drug and Alcohol Free Workplace

36.0 Safety Policy

37.0 Recruitment and Selection

38.0 Employment of Relatives/Domestic Partners

39.0 Temporary Employees/Intern Employment

40.0 Outside Employment

41.0 Background Checks

42.0 Employee Pictures

43.0 New Employee Orientation

44.0 Personnel Records

45.0 Job Attendance

46.0 Pay Dates

47.0 Training, Education, Travel and Expense Policy

48.0 Written Departmental Rules and Standard Operating Procedures

49.0 Electronic Communications

50.0 Political Activities

51.0 Smoke Free Work Environment

52.0 Performance Summaries

53.0 Driving and Vehicle Operation

54.0 Use of City Property and Information

55.0 Personal Property

56.0 Family and Medical Leaves of Absence

57.0 Classification Plan

58.0 Compensation Administration

59.0 Complaint Process

60.0 Job Sharing

61.0 Reporting Improper Government Action

62.0 Inclement Weather

63.0 Solicitation on City Property

64.0 Defense and Indemnification of City Officials

65.0 Voluntary Resignations

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**Deleted:** for City Employees

**Deleted:** of City Employees

**Deleted:** Contracted Services

**Deleted:** and Payroll Advances

**Deleted:** Reviews

**Deleted:** Use of City Owned Vehicles

**Deleted:** (Revised) 62.0 Hazard  
Communication

### 30.0 PURPOSE

These personnel policies and procedures are designed to inform all employees of the day-to-day administrative guidelines and practices of the city. They are also meant to provide employees with an understanding of what is expected of them and to provide consistent, fair and uniform treatment to all. The rules and procedures contained herein shall apply to all city employees. Where the provisions of a collective bargaining agreement or individual employment agreement with the city differ from these rules, the language in the agreement shall prevail.

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The city reserves the right to change any of these policies and procedures at any time. Although it is the city's policy not to terminate the employment relationship with the city unless it has just cause to do so, these policies and procedures do not and are not intended to constitute a contract of employment nor to limit the city's right to discipline or terminate employees. Certain management personnel have individual employment agreements, and those agreements prevail where appropriate over these policies as to the individual employee covered by the agreement. The city has entered into collective bargaining agreements that cover certain job classifications, and those collective bargaining agreements prevail where appropriate over these policies as to the employees who are covered by the agreements. The city also has a separate set of management personnel policies for non-represented personnel and those policies prevail where appropriate over these policies.

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Nothing in these policies shall be interpreted as restricting or prohibiting an employee's performance of the employee's official duties. Any prohibition stated in these policies does not apply if the employee is performing a legitimate work task as a city official or employee. For example, accessing inappropriate websites is not prohibited if it is done as part of an employee's work tasks (e.g. police investigation, personnel investigation, or other legitimate task).

#### Authority and Responsibility

The Mayor and the city Council shall set general personnel guidelines through the adoption of the city budget, pay plans, collective bargaining agreements, and ordinances and resolutions adopting and/or amending the personnel rules and regulations.

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The city Manager may interpret the language of the rules and regulations in any case where interpretation is in question, and may specifically delegate the authority for the enforcement of these rules and regulations.

The city Manager shall be responsible for ensuring the effective implementation of these rules and regulations and may further establish, amend or otherwise modify these rules and regulations.

**Deleted:** pursuant to City Council policies. The City Manager shall advise the City Council on any changes concerning these rules and regulations.

immediate supervisor, and if necessary, with the department director for advice and consultation.

All city of Tigard employees are considered public officials and are subject to the State of Oregon's Government Standards and Practices (ethics) laws. The city will comply with these and all applicable laws and regulations and expects its directors, managers, supervisors, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, city employees are encouraged to not accept personal gifts. State law does provide certain guidelines for the receipt of gifts as a public employee and the City of Tigard requires its employees to comply with those standards. Pursuant to ORS (Oregon Revised Statutes) Chapter 244, Government Standards and Practices, the following restrictions apply to the acceptance of gifts or gratuities:

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- City employees may receive food, lodging and travel when participating in an event which is related to the employee's official position and when the employee is appearing in his/her official capacity. Food and/or beverages consumed by the employee in the presence of the purchaser or provider is acceptable.
- Receiving entertainment gifts is acceptable only a) when the entertainment is experienced in the presence of the provider, and b) when the value of the entertainment does not exceed \$100 per person on a single occasion and is not greater than \$250 in any one calendar year.
- Gifts exchanged between co-workers for occasions such as birthdays and holidays are not prohibited.
- Unsolicited awards for professional achievement may be accepted.
- Employees shall not accept any special favors, gifts, or gratuities resulting from or related to employment with the city unless otherwise specified in this policy. In this regard, the appearance of impropriety can be as damaging as actual impropriety and is equally to be avoided.

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**Deleted:** Gifts for employee's awards, volunteers and community cooperation are also allowed.

A department director may allow acceptance of non-monetary gifts of nominal value (e.g., under \$50), which are available to be shared by all employees in a nonbiased or nondiscriminatory manner or on behalf of an area nonprofit public service agency.

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Any person who observes unlawful or improper action(s) by a city, employee is expected to report them. The matter should be reported to the employee's immediate supervisor. If the supervisor appears to be involved in the improper action, the report can be made to the department director, City Manager, or Human Resources.

Some employees may own property in the city resulting in the employee having to interact with the city regarding the employee's non-employment interests. Other situations, such as traffic violations or parking tickets, may arise in which the employee as an individual has to communicate with the city as an individual outside the employment context. Being an

employee does not affect the employee's relationship with the city in the non-employment context in any manner. A person who is an employee shall be treated the same as any other person in these situations, and employees shall not seek special treatment from the city. An employee may not use the person's status as an employee or information obtained as an employee to gain an advantage that non-employees could not obtain. An employee may not use on-the-job time in the employee's dealings with the city in non-employment matters. For example, an employee who needs a city permit must not submit an application, discuss the permit with the department issuing the permit, or take any other action related to the permit while on the job during working hours. A person who is at lunch or other recognized break is not considered "on the job".

In the event an employee seeks a permit or otherwise interacts with the city on personal business, and the employee may be in a position to take action in the employee's official capacity or the employee's department is likely to be involved, the employee shall inform the employee's supervisor immediately in writing or email. The supervisor shall take steps to ensure that the employee is screened from participation in any official process related to the employee's personal business and that the employee has no access to information that non-employees would not have access to. Screening shall include a requirement that there be no communication with the affected employee that would not occur if the person involved were not an employee.

## 32. 0 CONDUCT AND APPEARANCE,

**Deleted:** OF CITY EMPLOYEES

The City of Tigard is committed to providing efficient, courteous, friendly service to its citizens consistent with its mission statement and embodying the highest standards of public service. Each employee in his or her position represents the city to the public; therefore, it is the obligation of every employee to be safe, courteous, friendly and efficient in the performance of their duties, to treat all those encountered in the course of work professionally and with dignity, and to present a well groomed personal appearance and dress consistent with their job assignment.

The City of Tigard is also committed to promoting a work environment based on mutual trust, acceptance, productivity and respect for the dignity of every member of the city staff. We are committed to opposing behavior that detracts from the ability of each employee to perform at his/her highest level to fulfill the mission of the city. Employees have the responsibility of working cooperatively with co-workers to create and maintain a positive work environment. This includes respecting the individual rights of others,

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Employees of the City of Tigard shall maintain the ethical standards required of a public employee, and shall insure that off the job conduct does not impair their effectiveness on the job. The expected standard of conduct for all employees in the city service shall be in the public interest as opposed to individual interest. In addition, each employee shall exhibit care and responsibility with public property and shall strive to reduce costs of materials and services in the performance of their duties.

The continued employment of every employee shall be conditioned on good behavior and satisfactory performance of duties. Examples of appropriate behavior in the workplace



include, but are not limited to: 1) presenting a cooperative and professional image 2) treating others with respect 3) working effectively with others and functioning as part of a team 4) being flexible to accept changes in a positive manner, and 5) communicating effectively in a constructive, respectful manner including the proper use of tone and volume.

Failure to meet the expected standards of conduct and appearance shall be grounds for disciplinary action, up to and including termination. Causes for disciplinary action include, but are not limited to, the following:

- Improper use of an employee's position for personal gain;
- Inappropriate use of information gained from employee's job;
- Inefficiency or incompetence;
- Misuse or abuse of city or public funds, or theft or misappropriation of the property of others;
- Failure to report for duty ready, physically able, with or without reasonable accommodation, and appropriately attired to work;
- Actions which are violations of ethical standards;
- Acts of discrimination or harassment based on race, religion, color, gender, national origin, age, marital status, sexual orientation, or disability;
- Acts of retaliation against employees for any reasons specified in these policies
- Neglect of duty or negligence of duty causing risk of personal injury to the employee or any other employee or a member of the public or causing risk of damage to property;
- Insubordination and/or discourteous treatment of a Supervisor, Department director, City Manager, City Councilor, the public or a fellow employee;
- Failure to establish and maintain an effective working relationship with the employee's supervisor and/or co-workers.
- Gambling for items of value during working hours or on city premises, including participating in internal pools or wagers;
- Solicitation of a contribution, response or action in the name of the city designed to further a political or charitable cause while on duty;
- Acceptance of gratuities or gifts in violation of State ethics laws or city policy;
- Theft of, damage to, negligence or improper or unauthorized use of city vehicles, equipment or property;

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- The use of intoxicants or illegal use, possession, distribution or sale of controlled substances on the job or on city premises or reporting for work under the influence of intoxicants or controlled substances;
- Habitual or excessive absence or tardiness or abuse of sick leave privileges;
- Absence from duty without authorization or failure to follow department notification procedures regarding absence or tardiness;
- Violation of safety rules or policies; damage to or negligence in the care and handling of city property;
- Conviction of a felony or conviction of any crime where the conviction would impair effectiveness as a city employee or bring discredit or reproach on the city or department involved;
- Dishonesty;
- Fraud or misrepresentation in securing employment;
- Use of city time, property or equipment for personal purposes without supervisory approval, subject to reasonable interpretation and enforcement. For example, the occasional making or receiving of personal phone calls would not be a violation of this standard; however, the use of a computer on or off duty time to carry on an outside business would be. Stopping at a restaurant in a city vehicle, if reasonable on the way to or from meetings or field work assignment, would not be a violation; taking one to a doctor's appointment would be.
- Fighting, use of force, intimidation, abusive language or mannerisms, or other conduct that is unprofessional or inappropriate behavior in the workplace or worksite;
- Possession of firearms or lethal weapons except for police officers and others authorized to carry firearms;
- Willful violation of any provision of city ordinances, rules or policies, or any provision of department/s rules and regulations;
- Other conduct unbecoming public service or reflecting discredits on the city or any department.

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The city respects an employee's individuality, and the use of common sense in choosing appropriate clothing to be worn during business hours. Each employee should recognize the importance of personal appearance to the professional image of the organization. Each employee should dress and groom according to the requirements of the position and accepted social standards.

Departments may establish dress/uniform standards for each of their positions. If an employee's supervisor determines that the employee's personal appearance is inappropriate,

they may be asked to leave the workplace until the employee is properly dressed or groomed. Under such circumstances, the employee will not be compensated for the time away from work. Employees should consult their supervisor if they have questions as to what constitutes appropriate appearance for their position.

Each employee must wear city identification as required by the city's security and building access policies.

### 33. 0 Equal Employment Opportunity/Non-Discrimination/ Harassment Policy

The City of Tigard is committed to providing a workplace that is respectful and productive for all of its employees, and one that affords equal opportunities to all employees and applicants for city jobs. Discrimination on the basis of race, color, religion, sex, age, national origin, sexual orientation, physical or mental disability, marital status or any other protected group status as defined by federal, state or local law is prohibited. Harassment of any employee based on these distinctions is also prohibited. Any employee found to have engaged in harassment or discrimination will be subject to disciplinary procedures up to and including dismissal. These policies extend to all areas of employment, benefits, conditions, terms and privileges of service. If any employee is in need of reasonable accommodation they should contact the Human Resources Division.

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It is the responsibility of all employees, managers and supervisors to understand and comply with these policies. Supervisors have the additional responsibility to support these policies, and to take prompt, corrective action if harassment is found to have occurred. Management is expected to encourage and support constructive and open communications in order to prevent the development of hostile or discriminatory work environments.

#### Sexual Harassment

Sexual harassment is a form of sex discrimination and an unlawful employment practice under Title VII, defined as deliberate or repeated behavior of a sexual nature which is unwelcome. Harassing behaviors are judged not by the perceptions of intent of the alleged harasser, but by how the recipient and reasonable people similar to the recipient perceive the behavior. There are two major forms: 1) "Quid Pro Quo", which refers to requiring an employee or co-worker to submit to unwelcome behavior as a condition of employment 2) "Hostile Work Environment", which refers to behavior that creates or fosters an unwelcome or abusive work environment. Harassment can include verbal behaviors such as unwanted sexual comments, suggestions, jokes, or pressure for sexual favors; and non-verbal behaviors such as suggestive looks or leering, and physical behavior such as pats, squeezes, or repeatedly brushing against someone's body.

Some specific examples of inappropriate or illegal behaviors include:

- Negative or offensive comments, jokes or suggestions about another employee's gender or sexuality;
- Slang, names or labels such as "honey", "sweetie", "boy", "girl", that others find offensive;

- Obscene or lewd sexual comments, jokes, suggestions, or innuendoes;
- Talking about or calling attention to another employee's body or sexual characteristics in a negative or embarrassing way;
- Laughing at, ignoring or not taking seriously an employee who experiences sexual harassment;
- Blaming the victims or sexual harassment for causing the problems;
- Continuing certain behavior after a co-worker has objected to that behavior;
- Displaying sexual pictures, cartoons, or calendars on any city property.

Sexual harassment in the workplace is strictly prohibited and any employee found to have engaged in sexual harassment will be subject to disciplinary procedures up to and including termination. An employee who uses sexual behavior to create a hostile work environment for another employee or to implicitly or explicitly threaten, coerce, influence or affect the employment, job status, salary or performance of another employee is engaging in sexual harassment.

**Deleted:** dismissal

#### Complaint Procedure

It is critical that employees who believe that they have been subjected to discrimination or harassment discuss the matter with their supervisor immediately. Employees are encouraged but not required, as a first step, to confront the person who harassed them and state their objection to the offensive behavior when it occurs. When the employee believes that he/she is being harassed or discriminated against by their supervisor, they should notify their department director, or any other supervisor, manager or director, or they may contact Human Resources. Employees who believe that they have witnessed another employee being harassed or discriminated against should also follow this procedure.

Reports on harassment or discrimination shall be investigated promptly. All employees involved in an alleged case of harassment and/or discrimination will be treated with respect and courtesy. Confidentiality will be maintained as far as practical given the complaint, law and the investigation procedure. If the incident is isolated and of a less serious nature, the supervisor may attempt to resolve it informally. In any case, the supervisor (or person responding to the complaint) is required to document the incident and action taken, and forward a copy to the department director and the Human Resources Director.

Any intimidation, coercion, discrimination or retaliation against an individual who files a complaint or who testifies, assists, or participates in any manner in an investigation will not be tolerated. All such acts against complainants or other participants should be immediately reported to the supervisor, manager, department director or Human Resources.

## 34.0 WORKPLACE VIOLENCE

The City of Tigard is committed to the safety and security of its employees, citizens, and visitors. All employees are expected to maintain high standards of employee behavior including respect for the dignity of all individuals. As a result, threats, threatening behavior, or acts of violence against or by employees, visitors, or guests on the City of Tigard property will not be tolerated. Furthermore, verbal or physical threats, aggressive or threatening behavior, or acts of violence off city property by city employees will also not be tolerated.

Any person who exhibits threatening behavior or engages in violent acts on City of Tigard property should be removed from the premises as quickly as reasonably possible, and shall be required to stay off city premises pending the outcome of an investigation into any incident. In cases where the reporting individual is not a city employee, the report should be made to the City of Tigard Police Department. The city will investigate threats and acts of aggression/violence and will take prompt corrective action where appropriate. In the event the investigation discloses prohibited behavior the city has the right to take any steps the City Manager deems necessary. This response may include, but is not limited to, discipline up to and including termination, and/or criminal or civil prosecution of the person or persons involved. The need to prevent a threat from being carried out, a violent act from occurring, or a life threatening situation from developing shall supersede any policy, practice or procedure which may appear to prohibit taking action to avoid the violence.

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All City of Tigard personnel shall notify their supervisor, department director, or the Human Resources Director of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior that might be carried out on a City of Tigard controlled site, or is connected to city employment. If the supervisor, department director, or Human Resources Director is not available, personnel shall report the threat to the City Manager's office. All supervisors and managers are responsible for taking workplace violence issues seriously and following prevention, policies and procedures as appropriate. It is up to all employees to assist in the identification and resolution of threatening or violent behavior. Preventing and de-escalating violence is not solely a management responsibility.

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All individuals who obtain a protective or restraining order which lists City of Tigard sites as being protected areas, must provide their supervisor and the Human Resources Director a copy of the order(s). The City of Tigard understands the sensitivity of the information requested and has developed procedures which recognize and respect the privacy of the reporting employee(s).

Specific examples of conduct prohibited under this policy include, but are not limited to, the following:

- Hitting, shoving, pushing, spitting on someone, obscene or threatening gestures, acts of physical intimidation such as standing inappropriately close to someone or pointing a finger close to someone's face;
- Threatening to harm an individual or his/her family, friends, associates, or their property;

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- Unauthorized possession or use of a weapon;
- Damaging or vandalizing city property or facilities, or the property of others;
- Intentional destruction or threat of destruction of property owned, operated, or controlled by the City of Tigard;
- Harassing or threatening telephone calls, letters or other forms of written or electronic communications;
- Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the city;
- Harassing surveillance, also known as "stalking," the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his/her safety;
- Making a suggestion or otherwise intimating that an act to injure persons or property is "appropriate," without regard to the location where such suggestion or intimation occurs.

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To protect the safety of city work sites, employees and others performing services for the city are prohibited from carrying, possessing or using guns or other dangerous weapons or devices on city property, except when specifically authorized and trained. This prohibition does not apply to an employee authorized to carry weapons as part of their job responsibility, such as police officers. "Deadly weapon" means a device, instrument or object that is specifically designed for causing death or serious physical injury. This prohibition applies to each employee, other than a sworn police officer, who has a concealed weapon permit. This prohibition does not apply to personal defense devices provided these devices are only used for personal defense.

Threatening or violent behavior from customers is not acceptable and will not be tolerated. Employees are directed to report the matter to their supervisor, department director or Human Resources immediately and to record threats in writing as soon as possible after the threat is communicated to management.

### 35.0 DRUG AND ALCOHOL FREE WORKPLACE

The City of Tigard recognizes that the use of drugs and alcohol which adversely affect job performance may constitute a serious threat to the health and safety of the public and employees and to the efficient delivery of city services. City employees are expected and required to report to work on time and in appropriate mental and physical condition for work. The use of illegal substances and abusive use of controlled substances by employees not only affect job performance, but decrease productivity, lower morale, and create a hazardous environment. Pursuant to the Drug Free Workplace Act of 1988 and in response to the growing awareness of substance abuse, the illegal or unauthorized manufacture, distribution, dispensation, possession, sale or use of alcohol or controlled substances

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while on city premises or while conducting City business is strictly prohibited and will not be tolerated. Employment with the city is conditional upon the employee's acceptance of the terms of this policy.

Violations of this policy will result in but is not limited to disciplinary action, up to and including termination. The following conduct is prohibited while on duty, during lunch and or breaks, or on paid standby:

- Use of alcohol
- Being under the influence of alcohol
- Being under the influence of drugs
- Having a detectable odor of alcohol on the breath
- Failure to report limitations or impairment caused by prescribed drugs or over the counter drugs
- Failure of an employee to submit to an alcohol or drug screening test pursuant to City policy

The unlawful buying, selling, transportation, possession, providing or use of illegal drugs is prohibited at all times.

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This policy is not intended to prohibit the safe and legal use of prescription and non-prescription medications. However, employees taking medication that may impede or otherwise affect their ability to safely and efficiently perform job assignments shall report the medication to their supervisor or department director immediately.

The City shall follow the Mandatory Drug and Alcohol Testing Program for Commercially Licensed Drivers (CDL) Policy for employees in positions subject to this policy where appropriate.

The City reserves the right to require employees and applicants to undergo the following tests designed to detect the presence of alcohol, illegal drugs, and other controlled substances:

#### Pre-Employment Drug Testing

**Comment:** Relocated here from another article

The City of Tigard, in a positive effort to provide a healthy and safe working environment for all its employees and the citizens of the community, requires a pre-employment drug screen. Finalists for city jobs must successfully pass the drug screen test as a final condition of the job offer. Temporary employees including agency employees must also successfully pass a drug screen test prior to employment. The confirmed presence of any illegal drug in the drug screen will be cause for disqualifying an applicant. If an applicant is taking prescription medication, this must be substantiated by a physician's report or statement. The report should

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indicate whether or not the taking of these legal drugs will prevent or alter the person's ability to perform essential job duties. If the report indicates the person cannot perform essential job duties while under the influence of these prescribed legal drugs, this shall be grounds for disqualification.

#### Post Collision Testing

Any collision or incident in the workplace involving a city employee performing city business or driving a city vehicle that results in property damage or physical injury to any person may also be considered as constituting reasonable suspicion for testing, if in the city's opinion, the use of alcohol or drugs may have contributed to the collision.

#### Reasonable Suspicion Testing

All employees reporting to work, conducting city business, or on city premises, shall be subject to drug or alcohol testing if the city has reasonable suspicion that the use of any drugs or alcohol is adversely affecting job performance or endangering the safety of employees or the public, or if there is reasonable suspicion that the employee is under the influence of drugs or alcohol. The decision to request a reasonable suspicion test must be based on specific actions or behaviors of an employee concerning the employee's appearance, behavior, speech or work performance or the odor of alcohol or other controlled substance emanating from the employee. Examples of actions or behaviors which may trigger reasonable suspicion testing include lack of dexterity or fine motor skills, slurred, confused or fragmented speech, difficulty focusing eyes, unusually hostile or abusive manner, abnormal conduct or erratic behavior not otherwise normally explained, the odor of alcoholic beverage or other controlled substance on breath, observation of alcohol or drug use, etc.

The employee will be given the opportunity to explain if his/her behavior triggers suspicion. However, the city reserves the right to determine whether reasonable suspicion exists. Only supervisors trained in the signs and symptoms of drug and alcohol use may order reasonable suspicion testing. The supervisor is responsible for ensuring the employee is escorted to and from the test collection site.

If it will not cause an unreasonable delay, a second supervisor, manager or director's opinion that a test should be required will be obtained. A written record will be made of the observations which support the reasonable suspicion testing. Reasonable suspicion testing is not the same as random testing.

The city can test at other times should the employee be on a performance plan, last chance agreement or other plan due to repetition of a drug/alcohol issue at the worksite.

An employee shall also be required to give Human Resources written notice of any criminal conviction involving illegal drug activity, driving while intoxicated (DUI) or for any other violations which include alcohol or drugs no later than five calendar days after the conviction. Once a verifiable conviction is reported, the city will be required to notify the Federal Justice Department within ten days after receipt. Incumbents in positions covered by

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the Department of Transportation's Mandatory Drug and Alcohol Testing Regulations will also abide by those requirements.

In the event an employee witnesses behavior during work or on the city's premises that appears to be in violation of this policy, the employee should report this concern to a supervisor or department director, or to Human Resources. If the employee believes his/her supervisor or other management employee is in violation of this policy, the employee should report this concern to the next level of supervisor or directly to Human Resources.

Employees needing help in dealing with substance abuse problems are encouraged to use the Employee Assistance Program and health insurance plans, as appropriate. It is the desire of the city to support all employees in their efforts to address personal issues with substance abuse, while at the same time ensuring that they will not endanger themselves or other persons. However, violations of this policy will result in disciplinary action up to and including termination. Continued poor performance or failure to successfully complete a rehabilitation program, are grounds for termination.

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**Deleted:** As part of the City's efforts to educate all employees about the potential personal and professional hazards of substance abuse, the City will provide an annual mandatory educational program. The City will provide a copy of the drug policy to all employees and include this policy in its orientation to new employees. Supervisors will also be required to attend a training program to help them recognize, document and handle performance related issues. Additional information is available through the City's Employee Assistance Program or by contacting Human Resources. ¶

### 36.0 SAFETY POLICY

The City of Tigard is concerned about the welfare and safety of employees and the public. The City acknowledges the obligation, as the employer, to provide the safest possible working conditions for employees, and, as a government service organization, to provide a safe environment for the public.

In order to ensure the effective implementation of the City of Tigard's Safety Policy, responsibilities shall be as follows:

The City Manager and department directors accept the responsibility for the development and maintenance of the safety program, for its effectiveness and improvement, and for providing the safeguards required to ensure safe working conditions.

The division managers and supervisory personnel are responsible for developing the proper attitudes toward safety in themselves and those they supervise, for ensuring that all operations are performed in a safe manner, providing adequate training procedures for operations, and reporting and investigating all incidents immediately.

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The employees are responsible for cooperation in all aspects of the safety program, observing safe working practices, complying with safety directions and procedures, and reporting all incidents immediately to the supervisor.

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The Safety Officer is responsible to coordinate and guide the overall City Safety Program, serving as a resource to departments as individual safety training programs are developed, reviewing incident reports, and providing adequate information sharing between departments and the various insurance carriers.

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#### Penalties for Violation of the Safety Policy

In order to maintain a safe and productive work environment, a violation of this policy will be considered a very serious case of misconduct and subject to disciplinary action up to and including termination.

Further information and procedures related to this policy are contained in the City of Tigard's Risk Management Manual.

### 37.0 RECRUITMENT AND SELECTION

The City of Tigard seeks to ensure that each position is filled by an employee whose experience, training and skills make him/her the best match for work. of the position. Further, the City seeks to assure fair treatment of all applicants and all employees in recruitment, selection and placement without regard to age, sex, marital status, race, creed, color, national origin, sexual orientation, mental or physical disability, or any other protected group status as defined by federal, state or local law. It is the policy of the City of Tigard to not accept, retain, or respond to unsolicited resumes or applications.

#### Job Announcements

Recruitment announcements shall be posted by position in ~~for the length of the application~~ period. Position vacancies may also be advertised in the appropriate labor market. In keeping with the city's commitment to equal employment opportunities, an effort will be made to announce position vacancies with resources likely to provide qualified, protected-class applicants. Positions may be opened internally (for City of Tigard regular and temporary (non-agency) employees only), or externally (for city employees, volunteers and non-employees), at the discretion of the department director and as prescribed in applicable labor agreements. Internal postings shall be announced at least five (5) working days, unless otherwise specified in collective bargaining agreements. External announcements shall be announced as determined by the Human Resources Director and hiring department director. Previously certified lists of qualified candidates may be used to fill a vacancy as specified by these rules and in accordance with posting requirements of bargaining agreements. Deadlines for job openings may be extended by reopening the position, with or without additional advertisement, if, in the view of the Human Resources Director, insufficient applications from qualified persons are received.

**Deleted:** Human Resources and each City facility

At the discretion of the Human Resources Director, job announcements may be posted for individual positions or to establish a pool of qualified candidates for anticipated vacancies. Exceptions to the recruitment and posting requirements may be made for department director and assistant city manager vacancies at the discretion of the Human Resources Director.

**Deleted:** All applicants will be asked to voluntarily complete a form providing information regarding ethnic background, date of birth, sex, etc. The form shall state that the information is voluntary and will be used only for applicant profile purposes, and that the form will be detached from the application materials prior to any evaluation of the application.¶ Late applications will not be accepted except in the case of extraordinary circumstances as determined by the Human Resources Director.¶ When it is determined appropriate by the Human Resources Director, application materials received for one vacancy may be considered for a subsequent vacancy in the same job classification

#### Applications

Human Resources will prescribe the application form(s) to be used for each recruitment that fairly test and determine the qualifications, fitness and ability of a candidate to perform the duties of the class for which they seek appointment.

### Disqualification of Applicants

The Human Resources Director may disqualify an applicant from the selection process, refuse an applicant the opportunity to take an examination, and remove his/her name from a hiring list for reasons including, but not limited to:

1. Failure to meet the standard published requirements for the class for which application is made.
2. Failure to furnish true statements of material facts.
3. Practice or attempted practice of fraud or deception in connection with filing of an application.
4. Failure of an applicant, after notification, to be promptly present at the time and place designated for any portion of an examination.
5. The applicant has used, or attempted to use, political pressure or bribery to secure an advantage in testing or appointment.
6. The applicant has been convicted of a crime directly related to the requirements and performance of the position.
7. The applicant is a previous City employee who was terminated from City service or who resigned or retired in a manner in violation of City policy.
8. The applicant has refused to submit to required screening or examination requirements for the position.
9. The applicant is unfit or unable to perform the duties of the position based upon standards established by the City.
10. The applicant has otherwise violated policy, procedures, rules or regulations relating to the application process.
11. The applicant has failed to respond to an employment offer made by the City.

### Offers of Employment

When a final selection has been made for the vacancy to be filled, the hiring department director or supervisor shall issue a written conditional offer of employment to the chosen candidate. Such offer shall state the position being offered, salary, starting date and any other conditions of employment. In addition, the offer shall notify the candidate that employment is contingent upon passing a pre-employment drug screen and, where appropriate, a pre-employment physical and/or psychological examination.

**Deleted:** In order to be considered for a position, an application must be completed and signed, or a resume submitted and filed by the stated deadline date.¶

Applicants must generally be at least 18 years of age. Applicants under 18 years of age must obtain a work permit from the Oregon State Bureau of Labor. Applicants who are not citizens of the United States must be of a status that allows them to work in the United States. ~~Selection~~The Human Resources Director, with the advice and participation of the hiring director, will determine the selection procedures to be used to obtain the candidates who best match the requirements of the position. Tests or selection mechanisms may include but are not limited to performance tests, experience and education ratings, oral examinations; demonstrations of skill and tests of physical fitness and written examinations.¶

If the duties of the position require it, final candidates may be scheduled for a pre-employment medical or psychological evaluation with a licensed physician or psychologist selected by the City. Current employees being considered for transfer or promotion may be required to update health or other background information or to submit to a physical or psychological examination. If the physician or psychologist, based on standards established by the City, deems any candidate to be unable or unfit to perform the duties required of the position, they shall file a report stating the reasons for making such a determination and the reasons for their rejection of the candidate. The City Manager shall make all final decisions regarding the reports filed by the physician and/or psychologist. These reports may be held in confidence by the

**Deleted:** The candidate shall also be advised that a written acceptance of the conditional job offer is required within ten (10) calendar days of the receipt of the offer. ¶

### 38.0 EMPLOYMENT OF RELATIVES/DOMESTIC PARTNERS

It is the policy of the City of Tigard that two relatives or domestic partners may not be employed, or considered for employment whenever one person might have supervisory or management responsibilities affecting the other in such matters as wage and salary administration, employee evaluation, transfer, promotion, assignment of work, discipline, adjustment of grievances, or any other recommendations of personnel action, or whenever such employment is deemed by the City Manager to be a conflict of interest.

For the purposes of this policy, relatives are defined as being an individual's spouse, mother, father, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandfather, grandmother, step-son, step-daughter, step-parent, sister, brother, sister-in-law, brother-in-law, uncle, aunt, niece, nephew, grandchild, domestic partner or any other relative.

If any of these conditions exist the city will ask that one of the employees transfer to another position provided openings exist for which he/she is qualified, or resign, within 120 calendar days of the change in status. If the individuals involved do not agree as to who will resign, the City Manager shall decide based on merit and the needs of the city.

The provisions of the section shall not be retroactive.

### 39.0 TEMPORARY EMPLOYEES/INTERN EMPLOYMENT

#### Temporary Employees

Temporary employees may be hired to perform temporary or seasonal work. Temporary employees may not work more than 1,040 hours in a twelve (12) month. Employment of temporary employees may be terminated at the sole discretion of the department director and/or City Manager. Temporary employees are not eligible to participate in the fringe benefit package offered to regular employees and do not receive sick leave, vacation leave, or holiday pay. Temporary employees are covered by the city's liability and worker's compensation insurance, and may be eligible for unemployment compensation upon termination pursuant to law.

A temporary employee may apply for regular City positions as an internal candidate.

An offer of temporary appointment shall be made in writing and shall clearly state the temporary nature of the work, expected duration of employment, a statement that the employment may be terminated at any time at the sole discretion of the city, and the absence of any fringe benefits.

Temporary employees, including agency personnel, are required to pass the city's pre-employment drug screen and may be subject to verification of applicable motor vehicle license and acceptable driving record prior to employment with the city.

It is the obligation of the hiring department to maintain records of the hours worked by temporary employees and to ensure that employment does not exceed the limit established in applicable labor agreements.

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**Deleted:** A temporary employee may apply for regular City positions as an internal candidate.

**Deleted:** When a department utilizes the services of a temporary service agency neither a written offer of employment nor a Personnel Action form is required.

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Temporary employees usually will be paid at a rate within the salary range for the job class which most nearly describes the nature of the duties assigned to the employee.

#### Temporary Service Agencies

The city may contract from time to time for temporary service and/or with outside temporary employment agencies. Temporary employees, regardless of the source, are required to pass the city's pre-employment drug screen and may be subject to verification of applicable motor vehicle license, acceptable driving record and other background verifications prior to employment with the city. Departments employing temporary employees from outside agencies must use proper purchasing procedures under the City's Purchasing Rules.

It shall be the department director's responsibility to ensure that independent contractors meet all of the criteria under ORS 670.600 which defines the standards for an independent contractor (versus an employee) and possess all applicable certificates of insurance.

#### Intern Employment

The city may place, or contract with other agencies to place, student interns on projects of limited duration with the city. An intern is usually a full or part time student at an accredited college or university whose work with the city is within their course of study.

Guidelines for the employment of student interns are as follows:

Interns shall be required to pass a pre-employment drug screen prior to appointment;

If applicable to the duties of the position, a student intern may be required to possess a valid driver's license and to show proof of an acceptable driving record prior to appointment;

Interns receive no benefits, and are not eligible for vacation, sick leave or holiday pay;

Interns may be paid at the rate specified by the educational institution through which they were hired, or, if there is no rate specified, the department may determine an appropriate wage;

Interns shall be covered by the City's general liability and worker's compensation insurance coverage, but shall not receive nor accrue any other benefits generally received by regular employees.

#### **40.0 OUTSIDE EMPLOYMENT**

No employee shall accept or retain paid outside employment, whether part-time, temporary or permanent, without prior written approval of the department director. Each change in outside employment shall require separate approval. A leave of absence will not be granted to accept outside employment.

The department director shall approve outside employment when the employment is compatible with their city employment, does not detract from the efficiency of the

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The City may utilize the services of an independent contractor to meet short term non-recurrent or special project needs. It shall be the department director's responsibility to ensure that the contractor meets all of the criteria under ORS 670.600 which defines the standards for an independent contractor (versus an employee) and possesses all applicable certificates of insurance.¶  
ORS 670.600 provides the following standards in order for a business entity providing labor or services to be considered an independent contractor. They must be:¶

<#> free from direction and control over the way the work is done except insofar as the employer accepts or rejects the results of the work;¶

<#> responsible for obtaining all applicable business registrations or licenses;¶  
<#> furnish the necessary tools or equipment;¶

<#> determine his or her own work hours;¶  
<#> have the authority to hire and fire other employees to perform the labor or services;¶

<#> receive payment upon completion of the performance or an annual or periodic retainer;¶

<#> represent to the public that they are an established business and typically work for two or more different persons during the course of a year;¶

<#> pays federal or state income taxes in the name of the business, or a Schedule C on a personal tax return;¶

Departments may not enter into contracts to provide labor or services with individuals who do not qualify as independent contractors under the law.¶

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employee's city work, does not conflict with the interest of the city, is not a discredit to the city, and/or does not constitute an appearance of impropriety. An employee cannot be a contractor or a sub-contractor on City projects, where the work performed is similar to the employee's city job. Extra duty required by city employment will have preference over outside employment.

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An employee's private business may not be conducted during work hours. An employee may not use city equipment, materials, facilities or time in the conduct of outside employment. Employees may not market or solicit outside employment business during work hours or on city property without prior written approval of the department director. An employee's position with the city may in no way be used as a means of receiving referrals, information or other benefits for the outside employment.

Under no circumstances may city equipment or resources be used in outside employment. The department director may at any time revoke permission to hold outside employment.

#### **41.0 BACKGROUND CHECKS**

Background checks are conducted to ensure the continuing safety of our workforce and citizens, and the security of city resources. It is the policy of the City of Tigard to conduct and/or request driving, criminal, civil, financial and/or other background records and checks appropriate to the position on final external applicants for city positions, including job classifications whose duties require a security clearance to operate within a Police or Court System. At the discretion of the department director, record investigations may be also be conducted on final internal applicants for, and current employees in, appropriate job classifications including but not limited to positions that work with vulnerable customers (children, elderly and the disabled), have direct and unauthenticated access to the City's network resources, financial operations and/or those positions requiring security clearances to operate within a Police or Court System. Department directors may also request record investigations on volunteers and persons hired through temporary employment agencies or as independent contractors. Record checks will be conducted only once on employees who were hired before this policy was implemented. The Human Resources Division will coordinate all background and investigations, except for Police Department positions.

All City employees are required to report all criminal convictions and injunctions or restraining orders filed against them to their supervisor and the Human Resources Division immediately. Failure to do so may result in discipline up to and including termination.

##### Method and Timing

All job applicants will be advised in writing that an appropriate background/record investigation is requested on the final candidate. All applicants who reach the final selection stage must sign a waiver permitting access to their records. The final candidates will be notified that the job offer is contingent upon passing the background check. The same process will be followed for in-house applicants and current incumbents for the job classifications specified by the department director.

If there will be a significant delay before the record investigation is complete, the applicant may begin working, but only under direct supervision and with written notification that employment may be terminated if a record is revealed that would justify doing so.

Use of the record and a third party investigator will trigger reporting requirements under the Fair Credit Reporting Act (FCRA). These include providing the applicant or employee with a notice of the decision not to hire or other employment action, a copy of the report, and a copy of his/her FCRA rights before any adverse action is taken.

Background checks and records are confidential and will be kept in the Human Resources Division, except for those records retained within the Tigard Police Department. Appropriate background information will be shared with the hiring authority and/or department director when that information is needed to make the evaluation described below. Unauthorized access to or disclosure of these records is subject to discipline, up to and including termination.

#### Process if a Record Exists

Human Resources will notify the department director of any record on an applicant, and the decision concerning application selection will rest with the department director. In cases concerning a current employee, the decision will also rest with the department director. The department director will evaluate:

1. Whether the city's interests justify termination of employment or disqualification of the applicant based on the background record;
2. Whether the applicant/incumbent disclosed the information on the employment application;
3. The nature and gravity of the offense and whether it indicates a propensity to cause harm to other employees or citizens in the community;
4. The time that has passed since the conviction or completion of sentence;
5. Whether the individual completed treatment or rehabilitation;
6. The relationship between the nature of the offense and the job in question

## **42.0 EMPLOYEE PICTURES**

At the time of hire a photograph will be taken of each employee to be used for city of Tigard identification/security badges. These photographs may also be placed on the internal web site. In addition, candid photographs may be taken of employees at a variety of city sponsored events and placed on the city's internal website. Employee pictures, as described above, are intended for internal use only and may not be downloaded, forwarded, or

reproduced other than for internal city purposes without the expressed written permission of the employee.

#### 43.0 NEW EMPLOYEE ORIENTATION

The Human Resources Division shall conduct a "new hire" orientation meeting with all newly hired employees. It shall be the responsibility of the department in which the employee has been hired to ensure that the new employee reports to Human Resources on their first day of employment to complete their Verification of Employment (I-9) and W4 forms. Individual departments are also responsible for supplementing the "new hire" orientation by providing the new employee with more detailed information relating to operations of the department.

**Deleted:** Director or other designated staff member in Human Resources

#### 44.0 PERSONNEL RECORDS

The Human Resources Director of the city shall initiate and maintain a personnel file for each employee of the city. This collection of files shall be kept in Human Resources. The personnel file will contain the employee's name; positions and departments to which the employee has been assigned while employed by the city; employment application materials; notification of employment; salary history; changes in employment status; performance, progress, and merit evaluations; training records; written disciplinary actions; written commendations; and any other pertinent information required to allow the city to comply with Federal, State, and other agency laws, rules, and regulations. Department directors may maintain a separate training record for employees in their department. These training records shall be considered a part of the employee's personnel record.

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Employee personnel records are confidential and shall be accessible only to the following persons/agencies:

- The employee
- The City Manager
- The Human Resources Director
- Employees in Human Resources designated by the Human Resources Director
- The employee's Department Director or their designee
- The employee's Supervisor
- Federal, State, and other agency representatives that have lawful access to the records
- Legal counsel employed by the City

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No portion of the employee's personnel file shall be made available to any other person than those listed above without the written consent of the employee or by order of a court of competent jurisdiction, or a decision by the District Attorney that the file is public record and subject to disclosure.

An employee may place pertinent and appropriate information in their personnel file with the approval of the Human Resources Director.



Any general inquiries regarding either current or former employees shall be limited to the following information, unless authorization has been made by use of the City's Reference Consent Form:

- Verification of the individual's employment status with the city
- Verification of the employee's starting and ending date of employment
- Verification of the positions the employee has held while employed by the city
- Verification of the employee's salary range

An employee may obtain copies of any portion of their personnel file by making a written request to the Human Resources Division.

#### 45.0 JOB ATTENDANCE

In accordance with the City's commitment to provide the highest level of public service to its citizens, each employee is required to meet certain standards of attendance and punctuality. Continued employment carries with it the personal responsibility of each employee to be on the job on time every scheduled workday. Recurring and excessive absences and/or tardiness is disruptive to work schedules, costly to the City and its residents, and detrimental to the morale and efforts of employees who maintain a good work record. Employees who do not maintain a satisfactory record of attendance and punctuality will be subject to disciplinary procedures up to and including termination.

##### Hours of Work/Work Schedules

A work day and work week shall be established by the department director which is consistent with the law, collective bargaining agreements and operating needs of the department. The standard schedule shall be either eight hours per day for a five-day week or ten hours a day for a four-day week; however, department directors may establish alternate or flexible work hours, work days or work weeks to accommodate the department's operating requirements. Alternate or flexible work schedules shall be established in writing and may be changed by the department directors for any reason. Employees working alternate schedules shall be held to the same standard of attendance and punctuality as those working a standard schedule.

**Deleted:** , and kept on file with the Payroll Division of the Finance Department.

##### Meal Periods/Rest Periods

Pursuant to State of Oregon Wage and Hour Law (OAR 839-20-030) all employees who work shifts of six or more hours are entitled to a meal period of not less than thirty (30) minutes and a rest period of not less than ten (10) minutes for every segment of four hours worked.

City of Tigard employees are provided either thirty (30) minutes or one (1) hour per eight-(8) hour shift as a meal period depending on department operating needs. This time is unpaid as long as an employee is relieved of all duties. Any work to be performed during a lunch period must be approved in advance by the supervisor. If an employee performs any

job duties during the meal period, the time shall be paid. In addition, city employees are provided a 15-minute rest period during each one-half shift. It is the responsibility of the immediate supervisor to ensure that all employees have meal/rest periods available to them that is appropriate to their department operations. Departments should consult any applicable collective bargaining agreements for variations to these policies.

#### Attendance/Punctuality

All employees are expected to report for work on every scheduled workday at their scheduled starting time, unless authorized for a different work schedule by their immediate supervisor. Employees shall comply with departmental notification procedures if unable to report for work on time or if an extraordinary circumstance occurs which will cause them to be absent. It shall be the responsibility of the department director, in coordination with subordinate supervisors and managers, to ensure that standards of attendance and punctuality are maintained within his/her department.

Excessive absence or habitual tardiness may be cause for disciplinary action. It shall be the responsibility of the department director in coordination with subordinate supervisors and manager to ensure that standards of attendance and punctuality are maintained within his/her department. Any employee who is absent from work for three or more days without authorization shall be considered to have abandoned his/her position and shall be assumed to have resigned. When mitigating circumstances are found to have existed at the time of the absence, the individual may be reinstated to their position at the sole discretion of the City Manager.

#### Work Location

All employees shall report to their assigned work location every scheduled working day unless prior authorization is received from the immediate supervisor for an employee to work in or report to a different location. At the sole discretion of the City Manager, a telecommuting option may be implemented as follows:

Telecommuting is using technology to enable an employee to work at a location other than the usual work setting. Its goal is to enhance productivity, increase customer service and accommodate employee's special needs. It is not a universal employee benefit, nor a condition of employment, but rather a voluntary arrangement between the employee and the City which may be discontinued at the discretion of the city. Telecommuting may be instituted on a full or part time basis with the prior approval of the department director if, based on a full analysis of the employee's position, it is determined that the nature of the duties and responsibilities of the position qualify for telecommuting, the cost to the city of required supplies and equipment is justified, and there is significant benefit to the public service in instituting a telecommuting option.

## **46.0 PAY DATES**

The established pay cycle for the city is biweekly (every other Thursday). When the regular payday is a holiday, paychecks shall be issued on the previous business day.

Employees may elect to have their paychecks directly deposited to one or more financial institutions. This option is administered through the Payroll Division of the Finance and Information Services Department.

The six-month period limitation for each type is defined as July 1st to December 31st and January 1st through June 30th.

The City expressly prohibits improper salary deductions. Any employee who believes their salary has been reduced in violation of the law should report the matter as soon as possible to the Financial and Information Services Department. If corrections are in order, the department will work with appropriate personnel to ensure steps are taken to reimburse for any improper deductions and to demonstrate the city's good faith commitment to comply with this policy in the future.

## 47.0 TRAINING, EDUCATION, TRAVEL AND EXPENSE POLICY

### Purpose

The City recognizes the value of allowing employees to participate in conferences, seminars, training, college courses, and meetings that will enhance the employee's ability to provide a high level of public service. City officials and employees should exercise good judgment, regard for economy, and recognition of proper use of public monies when selecting training, meetings, courses, conferences, etc. in connection with city business.

Also, this policy establishes guidelines regarding travel for the conduct of official city business and for the payment of, or reimbursement of, expenses incurred while performing such travel. All employees are expected to follow the guidelines outlined in this policy.

### Scope

This policy is applicable to all city employees. Departments may apply additional requirements so long as they are equal to or more restrictive than these standards. This policy works in conjunction with all collective bargaining contracts and the Training, Education, Travel and Expense Procedures.

### Policy Statement

Training, education, and travel expenses must have a public purpose and serve the public interest. All training, education, and travel expenses must be reasonable and necessary to conducting city business. Persons traveling on city business are expected to be prudent and only incur costs they normally would incur if traveling on their own expense. Travel expenses solely for the benefit of an individual are not allowable. The city will not pay travel costs for persons not employed by the city unless the person 1) incurs the cost as a member of the City Council or a committee, or 2) has traveled at the specific request of the city, or 3) is serving as a volunteer to a city program, or 4) is providing services under a contract requiring such payment, or 5) is approved by the City Manager.

#### **Deleted:** Emergency Advance Paychecks

In extraordinary circumstances, an employee may receive an emergency advance on wages earned. An employee needing an emergency advance on wages shall request such advance in writing to his/her supervisor stating the reason for the emergency request. The emergency advance is limited to twenty-five percent (25%) of the net pay for hours worked during the pay period, and is limited to one in a six-month period. Approval is at the sole discretion of the department director.

#### **Deleted:** Early Paychecks

If an employee who is not participating in the direct deposit option will be on vacation or other approved leave on payday, a request for an advance paycheck may be made during the pay period preceding the pay period for which the advance is requested, and if the request is granted, the advance check will be issued with the payroll check for the pay period prior to the payday on which the employee will be on leave. Advance paychecks are limited to one in a six-month period. Approval is at the sole discretion of the department director.

#### **Deleted:** departments

**Deleted:** All training, education, and travel expenses must be pre-approved by the department director and the City Manager.

### Training and Education

The term “training” as used in this policy is intended to include conferences, seminars, workshops, one day courses at an educational facility or on-line, or other professional development programs of a similar nature. The term “college courses” is used to describe coursework taken through or on-line from an accredited college, university, and/or business or technical school.

The Training and Education policy is intended to apply only to programs that:

- Enhance the employee’s job performance,
- Serve as a beneficial retention tool in keeping high quality employees
- Are required for certification or licensing
- Appropriate for career development plans

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Applicable collective bargaining agreements must be consulted for language specific to training and/or educational reimbursement policies.

**Deleted:** Training programs, not college courses, are intended for career development purposes. Supervisors need to be very clear regarding the expectations they may create regarding such things as future job opportunities with employees when paying or reimbursing for training that is related to career development.¶

The city retains the right to determine the mode of transportation most appropriate to the type of travel involved. Employees should consult the Training, Education, Travel and Expense Procedures for reimbursable modes of transportation.

**Deleted:** The City Manager shall sign-off on all travel/ training authorization forms.¶

### Training Plan

All department directors requesting funding for any training and/or college course for their staff shall prepare a written departmental Training Plan as part of their annual budget submittal, which must include an explanation of the following:

- The requested funding for training and college courses for their department.
- A clear justification for each requested amount.
- An explanation of how these expenditures relate to the employee’s career development plans and/or performance goals.
- A prioritization of these requested expenditures in the event not all requests are approved.

The Training Plan will be submitted to the Human Resources Director and Financial & Information Services Director for review. All training and/or college courses approved for staff participation will follow the plan description.

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Supervisors should discuss training and/or college course work goals with the employee in their regular performance evaluation session and they should be specifically detailed in their written evaluation form.

**Deleted:** Until the Training Plan has been approved by the City Manager, requests for training and/or college courses will not be authorized. Once the department Training Plan has been approved, a

### Training

Department directors need to evaluate the value of the proposed training and whether it is the best way to acquire the information for the city.

**Deleted:** All training must be tied to the department's Training Plan.

The city will pay for all registration fees for mandatory training programs. Employees should consult the Training, Education, Travel and Expense Procedures for reimbursable expenses related to travel, meals, and lodging in conjunction with training. Travel time will be handled according to applicable collective bargaining agreements and/or city policy, state or federal law, as appropriate.

When appropriate, employees may be asked to share/present information they have received from their training to others in the department.

The department director may authorize the payment of expenses for voluntary training as they deem appropriate providing the training is beneficial to the department and/or city operations.

**Deleted:** Participants must complete an evaluation summary form regarding the training program available from Human Resources after attendance at training. This form will be placed in the employee's personnel file.

All arrangements for training will be made in the most cost and time efficient manner as possible.

**Deleted:** and included in the Training Plan.

Only expenses for the employee will be paid for. All books and materials paid for by the City of Tigard will become the property of the city.

### Education (College Courses)

The city does not intend to pay employees to obtain college degrees. Rather, it will reimburse for individual college courses only. The course must be related to the current job that the employee holds, a personal training plan or a career development plan approved by the department director.

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Mandatory college courses, which are job-related, shall have tuition, books and hours attended reimbursed by the city. Employees should consult the Training, Education, Travel and Expense Procedures for reimbursable expenses related to travel, meals, and lodging. College courses that are not mandatory, but are job related, will have only tuition, books, and related materials (to be retained by the city) reimbursed by the city. Non-mandatory college courses that are not job related shall have none of the above reimbursed for by the city.

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In those instances where the city reimburses for some or all of the expenses, employees must document satisfactory completion of the course.

To be eligible for reimbursement of non-mandatory college courses that are job related as described above, employees must receive a grade of "C" or better, or "Passing" for the course and provide written evidence of that to their supervisor. If the employee does not receive a passing grade for the course, they will not be reimbursed.

The city will provide tuition reimbursement for college coursework not to exceed the tuition level established by the State of Oregon Higher Education Department for State colleges/universities. Department directors need to explore less costly college courses available at other institutions before finalizing their Training Plans.

Prior to an employee participating in a college course, which may include reimbursement by the city, the employee will be required to sign a written authorization to have any costs reimbursed by the city deducted from their paycheck, should they fail to comply with the reimbursement guidelines.

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The following reimbursement guidelines shall be enforced when an employee separates from the city service for any reason.

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- Within one year of the completion date of the class, 100% of the amount of reimbursement will be deducted from the employee's final paycheck.
- Between one and two years after the completion date of the class, 50% of the amount of the reimbursement will be deducted from the employee's final paycheck.
- After two (2) years from the completion date, no amount will be deducted.

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If the reimbursement amount owed is more than the final paycheck, the employee must pay off the remaining amount. Failure to re-pay the amount owed to the city will result in the outstanding amount being turned over to a collection agency.

Department directors are responsible for monitoring these reimbursement requirements.

#### Travel and Expense

The City of Tigard will only pay or reimburse travel, meal and other expenses that are deemed non-taxable by the IRS unless specified by union contract. The paid and reimbursement amounts will be determined by IRS guidelines when applicable. Employees should consult the Training, Education, Travel and Expense Procedures for detail on which expenses will be paid or reimbursed.

Employees may not accrue frequent flyer miles for personal use. If employees do accrue personal frequent flyer miles while traveling for city business, the miles must be retained and applied to city travel in the future.

The city retains the right to determine the mode of transportation most appropriate to the type of travel involved.

Travel time will be handled according to applicable collective bargaining agreements and/or city policy, state, federal law, as appropriate.

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Any expenses for family members or other non-city employees who accompany the employee on a trip are not reimbursable.

#### **48.0 WRITTEN DEPARTMENTAL RULES AND STANDARD OPERATING/ PROCEDURES**

Each department director may establish such written rules and standard operating procedures as may be deemed necessary for the efficient and orderly administration of their department. Such rules and procedures may be in the format and detail as determined by the

department, however, they must be consistent with the policies, procedures, rules and regulations established in this manual.

Copies of the applicable departmental rules and operating procedures shall be available to all employees. It shall be the responsibility of the department to ensure that appropriate copies of the rules and procedures are provided to Human Resources and the office of the City Manager.

#### **49.0 ELECTRONIC COMMUNICATION**

It is the city's goal to enhance both external and internal communication through the use of various electronic communication tools. All electronic communication tools purchased by the city are the property of the City of Tigard. Employees should have no expectation of privacy in connection with the transmission, receipt, or storage of information in these electronic communication devices. Any personally owned electronic communication devices an employee uses for city business are also governed by this policy. The city follows the standards and practices set by the Oregon Government Standards and Practices Commission.

##### *Telephones/Voice Mail*

The ability to make outgoing and receive incoming telephone calls is an essential element of the City of Tigard's ability to provide service to the public. The city's telephones and voice mail system are intended to be used only for official business.

The city believes, however, there are occasions when employees may use telephones for personal purposes without such usage being at odds with the law. It is normal practice by both public and private employers to permit employees to use business telephones to talk to family members, make medical appointments, schedule service technicians, confer with children's schools, and take care of any of a variety of other matters which can only be accomplished during "regular" work hours. The city believes it is less disruptive to permit employees to make such personal calls at their workstation than to require an employee to take a break or leave from work to take care of personal matters.

Personal telephone calls made during working hours from city telephones should, of course, be brief and infrequent. Personal long distance calls, even if the employee reimburses the city for the cost, may not be made on city telephones. If it is necessary for an employee to make personal long distance calls while at work, such calls must be made with the employee's personal calling card, by placing a collect call, or by calling from a pay phone. This section does not apply to wireless phones.

### Cellular Telephones

The city provides cellular phones to their employees specifically to facilitate the carrying out of official business. The city's cellular phones are not for the convenience or personal use of employees. This policy also applies to all City of Tigard employees and their use of personal cellular telephones during work hours. The two components of this section include: (a) use of city cellular phones and (b) use of personal cellular phones.

#### (a) Use of city Cellular Phones

The instances when an employee may use a city cellular phone for personal purposes are limited. An example of an occasion when an employee's personal use of a city cellular phone would not violate Oregon Government Standards and Practices Commission guidelines would be to contact a spouse or childcare provider to advise that the employee is going to be late getting home or picking up children for a reason directly related to official duties such as a meeting which ran later than expected or a last minute change of schedule. Another permitted personal use of a city cellular phone by an employee would be receiving an incoming call regarding a family emergency. Employee will not be required to reimburse the city when the cellular telephone call follows these guidelines; that is, the personal call is directly related to official duties.

A city employee cannot make a personal cellular call even if he or she intends to reimburse the city at a higher rate than that generally available to the public.

#### (b) Use of Personal Cellular Phones

It is the city's goal for employees to perform their duties in a productive manner without the interference of personal cellular telephone calls. Employees may not activate or use personal cellular telephones during normal work hours or in staff work areas. Use of personal cellular telephones is permitted during an employee's personal time (rest and meal periods as referenced in Citywide Personnel Policy No. 45.0, Job Attendance) and outside the workplace.

Exceptions may be made to this policy on a limited basis based on an employee's need and with approval of the department director. Employees requesting an exception to this policy must submit their request to their department director for approval.

Employees who violate any citywide personnel policy are subject to disciplinary action, up to and including termination.

### Personal Digital Assistants (PDA)

This policy applies to all employees who use either a personal PDA or a city purchased PDA when conducting city business. PDA's include wireless devices that may have phone and internet capability.

Department directors are responsible for determining if it is in the best interest of the city to equip an employee with a city funded PDA. The city recognizes the benefit of having a complete schedule, that includes both city and personal appointments. Therefore, posting and synchronizing of personal appointments between a city computer and a personal PDA.

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**Deleted:** Employees should also not that Citywide Personnel Policy No. 60.0 stipulates the City will not reimburse an employee for any lost or damage personal property brought to the worksite by the employee. Any employee who chooses to bring personal property and/or equipment to the workplace does so at their own risk.

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is permitted in order to provide a complete view of an employee's schedule if the department director has authorized the use of a personal PDA.

Employees who wish to furnish their personal PDA, purchased with personal funds, are subject to this policy if they use their PDA to conduct city business. The city may restrict the make and model of any PDA hardware and software which may connect to a city computer.

Employees acknowledge that information on the PDA may be public record and must be kept according to the city's retention schedule and the employee's personal PDA may be subpoenaed to verify all city information has been provided if so requested.

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Department directors will insure the "Request to Use Personal PDA" form is completed for any employee who requests usage of a PDA for city business.

In the event of a lost or broken PDA purchased with city funds, the Department director will determine if the loss occurred as a result of employee negligence when deciding whether the city will purchase a replacement PDA. In the event of a lost or broken PDA purchased with personal funds, the city will follow Citywide Personnel Policy 55.Q.

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#### Computers/Internet/E-mail

This policy applies to all City of Tigard employees and their use of city computers, the electronic mail (e-mail) system and the Internet.

It is the city's goal to enhance both external and internal communication through the use of various electronic communication tools. All electronic communication tools purchased by the city are the property of the City of Tigard. Any personally owned electronic communication devices an employee uses for city business are also governed by this policy. Employees should have no expectation of privacy in connection with the transmission, receipt, or storage of information in these electronic devices. Any individuals using this system are subject to monitoring and all individuals using the system without authority or in excess of their authority are subject to having all their activities on this system monitored, recorded and examined by an authorized person, including law enforcement, as system personnel deem appropriate. Any material so recorded may be disclosed as appropriate.

#### Information Sharing

Employees are not allowed to use a code, access a file, or retrieve any stored information, other than where authorized, unless there has been prior clearance by an authorized supervisor. City property or information that is confidential and/or proprietary cannot be shared with individuals outside of the City without prior clearance from a department director. Any employee who leaves employment with the city is prohibited from taking or copying any city property or information unless specifically authorized in writing by their department director.

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#### Personal Use

In general, employees may not use computers owned by the city for personal purposes. The City of Tigard's computer system is for authorized users only. There are some circumstances

where the City believes the use of computers for personal purposes does not violate the Oregon Government Standards and Practices Commission guidelines. For example, an allowable use would be the preparation of application materials for a different position within the city or term papers for a city-sponsored class.

The personal use of city computers, with the exception of e-mail and the Internet, is permitted with the department director's approval:

- during an employee's lunch period,
- one hour before their normal work schedule begins,
- one hour after their normal work schedule ends, and
- the time between the end of the employee's "work shift" and the beginning of an evening meeting that the city requires the employee to attend.

**Personal use of the e-mail system and the Internet is not allowed at any time except as described under Internet Access.**

No personal use of city computers is allowed on an employee's day off unless the use is related to an educational purpose that is consistent with the city's policies and has been pre-approved by the employee's department director.

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Personal use of the computer system may not interfere with the employee's work, another employee's work or have an undue impact on the network. Playing games on the city's computers is not allowed. Sending large attachments (greater than two megabytes) to multiple people, distributing hoaxes, and spamming are examples of e-mail usage that could affect employee time or system capacity.

Internet Access

The city has equipped their computers and some PDAs with access to the Internet in order to have access to information and to provide information to the public. Personal use of the Internet is only allowed a) with the department director's approval, or b) to access city sponsored benefit sites or c) to schedule medical appointments for the employee or their immediate family. No access to any investment, deferred compensation or retirement benefit sites or accounts is allowed.

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City equipment may not be used at any time to access inappropriate sites or to transmit or receive inappropriate information. Pornography, hate groups, and off shore gambling are examples of inappropriate sites and accessing these sites is a misuse of city property.

The city recognizes that occasionally, while in pursuit of valid city business, an employee may inadvertently follow an Internet link that leads to an inappropriate web page. If this occurs, it is not necessary for the employee to respond to the owner of the page, but the employee must immediately notify his or her supervisor of what happened. Copies of e-mail and accessed web pages remain in the system for a period of time and the city may retrieve e-mail and web site histories. It is for the employee's own protection that any anomalies are documented.

Information Technology Access Policy

Information technology includes but is not limited to all individual computers, computing and electronic communications devices and services, telecommunication devices, e-mail, networks, telephones (including cellular), voice mail, fax transmissions, video, multimedia, applications and instructional materials.

Access rights to information/data stored on city-owned equipment will be given on an as-needed basis. Only those rights needed to accomplish tasks related to their job function will be granted. Authorized users of the city's computer network include city employees and other individuals who are contracted to help support the city systems. Information/data and systems may only be used by authorized individuals to accomplish tasks related to their jobs. Any other use is strictly prohibited.

Data of a confidential nature must be protected and must not be disclosed without authorization. Unauthorized access, manipulation, disclosure, or secondary release of such data/information constitutes a security breach. Failure on the part of an employee to take reasonable care to prevent such access may be grounds for disciplinary action up to and including termination of employment.

City of Tigard Information Technology staff is granted access to information technology resources in order to facilitate their job activities. However, by using these resources, staff agrees to abide by all relevant City of Tigard policies and procedures, as well as all current federal, state, and local laws. These include but are not limited to personnel policies and procedures related to harassment, plagiarism, commercial use, security, unethical conduct, and laws prohibiting theft, copyright and licensing infringement, unlawful intrusions, and data privacy laws.

Information Technology staff is responsible for reviewing, understanding, and complying with all policies, procedures and laws related to access, acceptable use, and security of the City of Tigard information technology resources.

The City of Tigard recognizes the importance of preserving the privacy of users and data stored in information technology systems. Staff and 3<sup>rd</sup> party contractors must honor this principle by neither seeking to obtain unauthorized access to information technology systems, nor permitting or assisting any others in doing the same. Furthermore, staff and 3<sup>rd</sup> party contractors must not make or attempt to make any deliberate, unauthorized changes to data on an Information Technology system. Staff must not intercept or attempt to intercept or access data communications not intended for that staff member, for example, by "promiscuous" network monitoring, running network sniffers, or otherwise tapping phone or network lines.

There may be occasions when users' information/data will need to be accessed without the users' permission, for example, accessing a user's email or data while they are absent and cannot be contacted. When these occasions arise the Information Technology staff member must obtain written permission from the Department director or City Manager prior accessing the information/data. Staff must not conceal their identity when using Information Technology systems, except when the option of anonymous access is explicitly authorized. Staff is also prohibited from masquerading as or impersonating others or otherwise using a false identity.

Without specific authorization, Staff may not remove or modify any City of Tigard owned or administered equipment or data from Information Technology systems.

Off Site Information Technology Equipment and Data Use Policy

Information technology equipment and data includes but is not limited to all individual computers, computing and telecommunication devices, telephones, all city records, and instructional materials.

Employees are required to obtain permission from their supervisor prior to taking computer equipment off site. Department directors are responsible for knowing who within their respective departments has possession of and the location of all information technology equipment taken off site.

If the equipment has been kept off site for more than one month, and the equipment has been used on the internet and/or files loaded on any external devices attached to the computer equipment, it shall not be reconnected to the city's network without first being examined by Information Technology staff.

Employees are responsible for taking reasonable precautions against theft or damage to the computer equipment. Data of a confidential nature must be protected and must not be disclosed without authorization. Unauthorized access, manipulation, disclosure, or secondary release of such data/information constitutes a security breach. Failure on the part of an employee to take reasonable care to prevent such access may be grounds for disciplinary action up to and including termination of employment.

Software installations are to be performed by Information Technology staff only. Only software owned by the city and approved by the Information Technology Division shall be installed on city computers. Installation of personal software on any city-owned equipment is expressly prohibited.

Computer equipment may not be used to download, copy, or store any copyrighted software, publications, music, video, or other content without permission from the copyright holder.

Any theft or damage to computer equipment is to be reported immediately to the Information Technology Division and your supervisor.

When computer equipment is returned to the city, the user is required to notify his supervisor, and to send a Help Desk ticket to Information Technology Division notifying them of the change of status of the computer equipment.

E-mail

E-mail is a communication tool provided to city employees to assist them in the performance of their job duties. Personal use of the city's e-mail system is not allowed.

The city's e-mail system may not be used:

- to access an employee's personal Internet e-mail account;
- to send e-mail anonymously or under someone else's name;
- to support charitable, religious, or political activities or causes; and

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- to support other activities that are not related to the direct conduct of city business.

Users understand the city may monitor material created, stored, sent, or received on its computer network.

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#### Employee Responsibility

If an employee receives an inappropriate e-mail, he or she must immediately respond to the sender with a copy of the city's warning message, found in I:\citywide\EMAIL-WARNING.doc (Exhibit B.) **A copy of the response, including the original sender's name and e-mail address, must be sent to the employee's supervisor.** This is to show the supervisor the employee made a good faith effort to dissuade the sender from sending inappropriate material. It also provides the employee protection if inappropriate materials are found in the employee's mailbox or hard drive.

If an employee receives a personal e-mail, he or she must immediately respond to the sender with a message notifying the sender the employee may not receive personal e-mail at the city. An example is available at I:\citywide\personale-mail.doc (Exhibit C.)

#### Laws and Licenses Compliance

Users are required to comply with all software licenses, copyright laws, Oregon Government Standards and Practices Commission's guidelines, city policies, and state and federal laws when using the city's computers, sending or receiving e-mail or accessing or downloading information from the Internet.

Unauthorized duplication of copyrighted computer software violates the law and is contrary to the city's standards of conduct. Employees will not engage in nor make or use unauthorized software copies under any circumstances. Legally acquired software in sufficient quantities for all computers will be provided by the city's Information Technology Division to meet the legitimate software needs for city work. The city and its employees will comply with all license and purchase terms regulating the use of any software acquired or used.

Because copyright infringement is an unlawful act, the city will maintain strong internal controls to prevent the making or using of unauthorized software copies. Compliance with software licenses and copyright laws is required. Failure to comply with these standards shall be grounds for disciplinary action, up to and including termination.

#### System Security

All employees have a responsibility to take reasonable precautions to protect the city's computer system. Reasonable precautions include, but are not limited to, updating anti-virus software when requested by the Information Technology Division (IT), not allowing unauthorized access to the computer system, and safeguarding the employee's password.

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If an employee becomes aware of a virus or the threat of a virus, the employee should immediately contact IT, with the information. Information Technology will evaluate the risk and, if warranted, notify all employees of the precautions that need to be taken.

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#### Public Record

Under Oregon's public records law, most electronic mail messages are clearly public records. The definition of public records in ORS 192.005(5) "includes, but is not limited to, a document, book, paper, photograph, file, sound recording, or machine readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use."

Although some messages may not fall under the definition of public record, it is safest to assume all messages created could be considered public record. Since most messages are public records, the only privacy an employee can expect is that afforded through disclosure exemptions. The privacy afforded government employees using government e-mail systems is minimal and an employee should have no expectation of privacy.

#### Public access and exemption from disclosure

E-mail is considered correspondence and like other forms of public records it must be made available to any member of the public upon request. Unless an e-mail message falls within one of the specific exemptions described in the public records statute, the e-mail record must be produced upon request. A person need not have a "legitimate" need for public records to be entitled to inspect them.

Please check with your supervisor, or the City Records Section, if you have a question on whether an electronic mail message should be provided to the public.

#### Retention and Disposition

The retention of records stored in electronic records systems, including e-mail systems, is governed by the city's retention schedule. If you have a question about the retention of a message, please contact the City Records Section.

An e-mail mailbox should not be used for storage. If an e-mail has value it should be printed and put into the appropriate file. It is the responsibility of the holder of the official record to make sure the file is updated. For example:

- An updated record's policy is e-mailed to all employees. It is the responsibility of the person sending the e-mail to keep the record copy.
- A citizen calls and leaves a detailed message regarding a pending file; the receptionist forwards the message through the e-mail system. It is the responsibility of the person receiving the message to add the message to the file.
- E-mail related to a current project or issue may be retained on the system as a reference tool. Once the project is completed or the issue resolved the employee should verify all relevant e-mail is in the file and then delete the e-mail from their e-mail box.

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E-mail is a form of correspondence and must be kept in accordance with state retention requirements. The retention schedule for electronic mail records incorporates several correspondence record series. Examples are:

Record Series	Retention Period	Action to take
Correspondence		

Ephemeral (junk mail)	Retain as needed	Read and delete
General	1 year	Read, print and delete
Financial	3 years	Read, print and delete
Policy and Historical	Permanent	Read, print and delete
Program	Retain for the same period as the program or functional records series to which it relates	Read, print and delete

#### Policy Compliance

Employees who violate the *Computer Use, Electronic Mail and Internet Policy* may have e-mail access and Internet privileges suspended as well as be subject to disciplinary action, up to and including termination of employment.

#### Exhibit B - E-mail warning

"The City of Tigard considers your enclosed email as offensive and inappropriate use of city equipment. Please do not send me this type of material again. Should I receive similar material in the future I will forward it to Tigard City Administration who may contact and file a complaint with your Internet Service Provider and/or your Postmaster."

#### Exhibit C - Personal use of e-mail

"The City of Tigard does not permit personal use of their e-mail system. Please direct all your correspondence to my home e-mail address. Thank you."

### **50.0 POLITICAL ACTIVITIES**

City employees are free to express political views on their own time. Oregon law forbids any city employee, while on the job, from soliciting money, influence, or anything of value or otherwise aiding and/or promoting any political cause or the nomination or election of a person for public office. It is also inappropriate to use a city office or city equipment for political work even if an employee is doing so on his/her own time outside their regular work hours (i.e. at lunch). Nothing in this section is intended to restrict the political actions or activities of employees outside of their regular working hours.

## 51.0 SMOKE FREE WORK ENVIRONMENT

The city seeks to promote a safe, healthy and pleasant work environment for all employees and the public. All city facilities, including city-owned buildings, vehicles, individual employee offices, and offices or other facilities rented or leased by the city will be smoke free. Signs will be posted in designated locations outside of the buildings where employees may step outside to smoke. Visitors to any of the city's facilities will be requested to comply with the city's efforts to maintain a smoke free environment.

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## 52.0 PERFORMANCE SUMMARY

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Employee performance summaries are an essential tool in the communication process between the employee and their immediate supervisor. The goal of the employee performance summary process is to establish a pattern of expected work habits, give employees and supervisors an opportunity to review and reset goals, reward or acknowledge good performance, create incentives, and identify and correct improper behavior or activity and/or substandard work performance.

Performance summaries are to be completed on the form prescribed by Human Resources. It shall be the responsibility of the supervisor to ensure that performance summaries are completed appropriately and by the scheduled due date. The original performance summary will be placed in the employee's personnel file, and the employee will be provided with a copy of the review. The employee may respond in writing to the performance summary or any aspect of that review, and the response will also be placed in the employee's personnel file.

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Probationary employees will participate in an initial goal setting interview and will receive a performance summary at the end of six (6) months of employment. This date establishes the employee's merit review date, which can only be changed upon promotion, layoff or leave without pay. Upon completion of the probationary period, as documented by a satisfactory performance summary, the employee shall receive a merit increase. Thereafter, regular performance summaries will be conducted annually on the employee's merit review date. Contingent on continued satisfactory performance; an employee shall receive a merit increase in conjunction with the performance summary until the employee reaches the maximum salary in his/her salary range.

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Nothing in this section shall prohibit the supervisor from conducting more frequent performance or progress reviews. A supervisor may initiate a special performance/progress review whenever a special review is deemed necessary.

An employee on leave without pay will have his/her merit review date adjusted to reflect the unpaid time. This adjustment will not apply to those on unpaid military leave whose merit review date will not be changed to reflect time off without pay.

**Deleted:** All performance reviews, accompanied by a personnel action form, shall be submitted to Human Resources. The personnel action form is required whether or not a merit increase is granted. ¶

The department director may elect to extend an employee's probationary period for a maximum of three (3) months or to deny a merit increase from a non-probationary employee. Performance summaries are not subject to appeal or the complaint process.

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### 53.0 DRIVING AND VEHICLE OPERATION

**Deleted:** USE OF CITY OWNED VEHICLES

The operation of vehicles and equipment is necessary in conducting the day-to-day business of the city. Driving and the use of vehicles for city business includes regular vehicles for operation on streets as well as operation of special-use vehicles such as construction and excavation equipment designed to operate primarily off-road but driven on public roads to a job site.

The purpose of this policy is to record the city's guidelines and policies governing driver authorization, reporting of collisions, investigation procedures and the safe operation of vehicles, both city owned and personally owned, which are used for official city business.

#### Use of City Owned Vehicles and Equipment

City vehicles and equipment are to be used only in the performance of official city business; however, personnel whose work assignment is primarily in the field may utilize their assigned city vehicle during meal and rest periods for personal business as approved by the employee's supervisor. Employees doing so must conduct themselves in a manner which does not bring discredit upon the city or incur additional costs for fuel or vehicle maintenance.

**Deleted:** In the event a work assignment requires the use of a City owned vehicle, the employee is required to be qualified and possess the appropriate class of license for the type of vehicle used. The employee shall immediately report any limitation on his/her ability to safely operate the vehicle or any change in his/her licensing status to the employee's supervisor or department director. Failure to report may result in disciplinary action up to and including termination.¶

The following additional guidelines for the use of a city owned vehicle/equipment shall apply:

- Any out-of-pocket expenses such as fuel, emergency repairs, parking or tolls shall be reimbursed upon presentation of receipts;
- No reimbursement will be made for parking fines or any other charge levied for violation of a motor vehicle law;
- Family members or other non-city employees shall not be transported in city vehicles except as specifically authorized by the department director or consistent with department policy or in cases in which the city vehicle is regularly assigned to the employee as a provision of an employment contract;
- Temporary employees, contractors or volunteers are prohibited from driving a city vehicle without the specific authorization of the department director, verification of appropriate motor vehicle license and driving record approval by Risk Management.

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#### Use of Personally Owned Vehicles

Employees are encouraged to use city pool vehicles when appropriate however the use of personal vehicles to conduct city business is allowed under the terms of this section and city policies. When the city allows use of a privately owned vehicle it must be a conventional, at least four-wheel vehicle, and be in safe mechanical condition that is adequate to provide safe transport for the road and weather conditions. Vehicle/equipment must conform to State of Oregon requirements. Vehicle registration and insurance must be current. No reimbursement will be made for parking fines or any other charge levied for violation of a motor vehicle law.

**Deleted:** The City will not reimburse for personally owned vehicle use unless City pool cars are not available and the employee's supervisor approves usage

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Employee's must file and keep current personal insurance information with Risk Management before a personal vehicle can be used for city business. Employees driving their personally owned vehicle will provide proof of personal auto liability insurance with liability limits of at least \$100,000/\$300,000/\$50,000 per occurrence. This personal auto insurance is primary in the event of a liability loss. The city is not responsible for the physical damage to the personally owned vehicle so employees should also have their own collision and comprehensive insurance coverage.

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Personally owned vehicle usage that meets the preceding requirements will be reimbursed at the federal mileage rate. Mileage reimbursement for the use of a privately owned vehicle is considered full payment (including deductibles, depreciation, insurance, maintenance, fuel and operating costs) for its use.

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#### Driver Authorization and Review

In the event a work assignment requires the use of a city owned vehicle or any vehicle for city business, the employee is required to be qualified and possess the appropriate class of license for the type of vehicle used. The employee shall immediately report any limitation on his/her ability to safely operate the vehicle or any change in his/her licensing status to the employee's supervisor or department director.

**Deleted:** Failure to report may result in disciplinary action up to and including termination.

The city requires periodic review of employee's driving records and requires review of applicant's driving records to ensure that people entrusted with the operation of vehicles are legally permitted to do so by the state; that they demonstrate by their driving record that they are safe drivers; and that the city is able to insure the person.

- ❑ Initial authorization to drive. When a position is being filled for which duties and responsibilities include driving, the driving record will be evaluated according to the city's Risk Management procedure addressing driver's record review standards. Applicants must be at least 18 years of age and have a valid driver's license. Job offers are contingent upon a successful driving record check, conducted by the hiring department, which meets city's standards.
- ❑ Driver Responsibilities. Those authorized to drive have the responsibility to do so safely while following defensive driving principles, Oregon laws and city regulations. Drivers operate vehicles safely in order to prevent collisions and injuries in spite of unsafe driving by others or adverse driving conditions. Drivers must have a valid driver's license, appropriate for the vehicle being operated, and it must be in the employee's possession at all times while operating a vehicle on official city business. Drivers must immediately report any changes to their driver's record to their supervisor.
- ❑ Ongoing Driver Authorization. The city conducts periodic review of motor vehicle driving records of all employees entrusted with the operation of vehicles for city business. The courts use the "negligent entrustment" doctrine to determine city liability when there is a collision resulting in property damage, injury or death. This doctrine can place responsibility for driver error, recklessness and incompetence on the city as the employer when a driver has a suspended/expired license or a poor motor vehicle driving record and is allowed to drive for City business.

### Collision Reporting and Review

Collisions are incidents or events that involve city owned vehicles and equipment or a personally owned vehicle which is being used for official city business resulting in property damage, injury or death.

Whenever a collision occurs involving a city owned vehicle or piece of equipment or a personal vehicle if the employee is using the vehicle while on city business the collision must be reported immediately to the employee's supervisor, and, if within the city limits, to the Tigard Police Department.

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Further information and procedures related to this policy are contained in the City of Tigard's Risk Management Manual.

### Penalties for Violations of Driving and Vehicle Operation Policy

In order to maintain a safe and productive work environment, a violation of this policy will be considered a very serious case of misconduct and subject to disciplinary action up to and including termination.

Further information and procedures related to this policy are contained in the city's Risk Management Manual.

## **54.0 USE OF CITY PROPERTY AND INFORMATION**

All city property and information is to be used solely for job related purposes. Use of such property or information for personal purposes is strictly prohibited unless specifically authorized by city policy or the department director. Employees should not have any expectation of privacy in the use of city property or any information contained therein at any time. For purposes of this policy, city property includes all equipment, information, materials and facilities owned by the City of Tigard. Examples include software, electronic equipment, information systems (including but not limited to computers, PDA's, cellular telephones, fax machines, copiers, voice mail, e-mail, all communications and information stored in the city's information systems and electronic equipment, passwords, codes and keys to gain access to such equipment, buildings, motor vehicles, lockers, desks, etc.

The city reserves the right to access all city property and may periodically monitor use of such property. The city reserves the right to review and/or disclose all information contained in such property at any time and for any purpose.

Employees are strictly prohibited from using any city property to solicit other individuals for any purposes or to send messages which may be interpreted as harassing, discriminatory, obscene, or defamatory. The city's anti-harassment policy fully applies to employees in this use of city property.

Employees shall not use a security code, access a file, or retrieve any stored information, other than where authorized, unless there has been prior clearance by an authorized supervisor. City property or information that is confidential and/or proprietary information cannot be shared with individuals outside of the city without prior clearance from an

authorized city representative. Any employee who leaves employment with the city is prohibited from taking or copying any city property or information unless specifically authorized by their department director.

Employees who violate this policy are subject to disciplinary action, up to and including termination of employment.

## 55.0 PERSONAL PROPERTY

The city will not reimburse an employee for the loss or damage of personal property brought to the work site by the employee except under the following conditions:

1. The damage occurs in the course and scope of the employee's duties;
2. The item damaged is required and approved by the department director for use in the performance of the employee's duties; and
3. There is no carelessness or negligence on the employee's part.

**Deleted:** Employees will be provided appropriate tools and equipment, as determined by their supervisor, to perform the duties of their job. Employees who choose to bring personal property and equipment into the workplace do so at their own risk. Precautions should be taken with all tools and equipment to place them in a secure location

When the above conditions are met, the city will reimburse for a replacement item of substantially similar quality. An employee requesting reimbursement for lost or damaged personal items(s) will submit a receipt for the item being replaced and a report to the supervisor. Accident forms are available on TIG20 and through Risk Management.

The city will not reimburse for damage to luxury items; e.g. jewelry. An employee who uses an unnecessarily expensive item at work does so at that individual's own risk.

Damage to eyeglasses will be reimbursed for any amount not covered by the employee's vision care insurance up to the usual, customary, and reasonable rate. An employee who typically works in the field and who requests reimbursement for lenses or frames must show that an eyewear safety strap was being worn. The city will not reimburse an employee for personal items, which are lost or stolen, or for normal wear and tear.

Employees should report to the Tigard Police Department any property stolen from the workplace, including both personally owned and city-owned items.

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## 56.0 FAMILY AND MEDICAL LEAVES OF ABSENCE

This policy is established to comply with both the Oregon and Federal Family and Medical Leave Act which entitle eligible employees to 12 weeks of job-protected leave every 12 months for family and medical reasons. The intent of this policy and the law is to allow city employees to balance their work and family life by taking reasonable, unpaid leave of absences for the reasons specified in these rules and regulations.

The city's family medical leave policy combines benefits required by the federal Family and Medical Leave Act (FMLA) and state law.

### Employee Eligibility

**Deleted: 61. REPORTING OF VEHICULAR AND/OR OCCUPATIONAL ACCIDENTS¶**  
Whenever a vehicular accident occurs involving a City owned vehicle or a personal vehicle if the employee is using the vehicle while on City business, the accident must be reported immediately to the employee's supervisor, and, if within the City limits, to the Tigard Police Department.¶  
Further information and procedures related to this policy are contained in the City of Tigard's Risk Management manual.¶

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An employee must have been employed by the city for at least 180 days for an average of 25 hours of work per week during the previous 180 days. Exception: The hourly prerequisite does not apply to parental leave.

#### Permissible Reasons For Taking Leave

- Birth of a child (also referred to as "Parental Leave")
- Placement of a child under the age of 18 (or older if the child is mentally or physically disabled) with the employee for adoption or foster care (also referred to as "Parental Leave").
- Care of a family member (spouse, child, parent, same-sex domestic partner, or parent-in-law) with a serious health condition or for a child requiring home care due to illness extending longer than three days. Leave to care for a same-sex domestic partner or parent-in-law is only required by State law. (This type of leave may be referred to as "Serious Health Condition Leave.")
- To recover from or seek treatment for a serious health condition of the employee when the employee is unable to perform at least one essential function of his/her regular position. Serious health conditions include on-the-job injuries, pregnancy related disabilities, and prenatal care (may also be referred to as "Serious Health Condition Leave").
- To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care (may also be referred to as "Sick Child Leave" and is only required by state law). If "Sick Child Leave" is requested to care for a child who does not have a serious health condition, the city has the right to not approve the employee's request for leave when another family member is available to care for the child. "Sick Child Leave" applies only to the Oregon Family Leave law.

#### Duration of Leave

- Twelve work weeks during a rolling 12-month period computed forward from the date the employee first uses OFLA/FMLA leave.
- Taking leave on an intermittent basis or on a reduced work schedule may be permitted by the City if necessary to take care of an ill family member or because of the employee's own health condition. In either case, documentation by a medical professional is necessary. Leave of this nature must be approved in advance by the City and employees must make a reasonable effort to minimize disruption in the work unit. Intermittent leave will be calculated on an hourly basis which computes to 480 hours per year.
- Parental leave must be taken within 12 months after the birth/placement of a child. Leave may be taken non-consecutively, but if more than two (2) non-consecutive leaves are taken within the 12-month period, the employee must receive prior authorization from the City Manager or Human Resources Director.
- Under the Oregon Family Leave law, employees who take parental leave are also entitled to an additional 12 weeks of family leave to care for a sick child only if the full 12 weeks

of parental leave has been exhausted during the parental leave year. Employees not using the full 12 weeks of parental leave are only entitled to the balance of their 12 week entitlement for the purposes of sick-child or any other type of OFLA leave.

- Female employees who must take leave because of a pregnancy-related disability which prevents the employee from performing any available job duties as documented by the employee's treating physician or health care provider, may take an additional 12 weeks for other purposes approved under the law.

Sometimes more than one type of leave may apply to a situation. Where allowed by federal or state law, leaves will run concurrently. This means that worker's compensation leave, leave for a non-industrial injury or illness (including paid leave such as sick leave), Medical Leave Bank (MLB) and/or Paid Time Off (PTO) for Management, Supervisory & Confidential Group employees participating in the Paid Time Off Program, leave as a reasonable accommodation for a qualified individual with a disability, paid vacation used for a family leave qualifying reason, and federal family medical leave and state family medical leave may all run concurrently and be counted against the employee's annual family medical leave entitlement. All applicable leave will be governed by city policies, bargaining agreements, State laws, and/or Federal laws.

#### City's Responsibilities

- If the city (specifically the employee's supervisor, Human Resources, or any other management employee) acquires knowledge that an employee may need to take OFLA/FMLA leave for any of the reasons specified in these policies, the city will inform the employee of their entitlement to request leave within 2 working days.
- The city will furnish the employee with a copy of this policy, a leave request form, and the required medical certification form. This information must be completed and returned to the employee's supervisor within the timelines stipulated under "Employee's Responsibilities."
- After the supervisor has acquired all the necessary signatures on the leave request form, it should be forwarded to Human Resources who will determine the employee's eligibility and make an entitlement designation within 2 working days of receipt of the completed request forms. Notification will be in writing.
- It is the city's right and responsibility to determine and designate leave as OFLA/FMLA if the eligibility standards are evident. Such a designation will be based on information obtained either from the employee or his/her spokesperson (e.g., spouse, parent, physician, etc.) in the event the employee is incapacitated.
- If the city is unable to confirm that the requested leave qualifies as OFLA/FMLA leave, it may declare a preliminary designation regarding eligibility. However, upon receipt of the medical information, the city must either withdraw or finalize the preliminary designation in writing to the employee.

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#### Supervisor's Responsibilities

- When a supervisor becomes aware of a pending leave of absence which might qualify for OFLA/FMLA leave, the supervisor will provide the employee with resource information on their OFLA/FMLA rights and advise the employee to contact Human Resources for more details. The supervisor should immediately advise Human Resources of this referral.

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- After the supervisor reviews the leave request, they must immediately forward the request form to the appropriate signing authority (i.e., department director, Human Resources Director, City Manager, ). It is the supervisor's responsibility to assure that all necessary signatures are acquired and that the signed leave request form is submitted to Human Resources within one (1) working day after receipt from the employee.

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**Deleted:** Human Resource Director

- All medical documentation must be forwarded to Human Resources. No medical files shall be retained at the supervisor's desk or in the department. It is also important to remember that the supervisor must protect the confidentiality of the employee. Information should be shared only on "a need to know" basis and no specifics should be shared with the employee's co-workers.
- The supervisor is required to process a Personnel Action form with all the appropriate signatures for the employee's leave of absence.
- The supervisor should make arrangements with the employee for the completion and submittal of timesheets. Timesheets need to be processed by standard Payroll procedures. The supervisor is responsible for monitoring timesheets to reflect appropriate FMLA use.
- The supervisor should make every effort to maintain ongoing communication with the employee during his/her absence for the purpose of acquiring status reports especially in regards to the employee's return to work date. Contacts should take place at least every 30 days.
- The supervisor should notify Human Resources of the employee's pending return to work and acquire any necessary medical release information prior to the employee's return to the job.

#### Employee's Responsibilities

The employee should notify their supervisor of any pending leave of absence and contact Human Resources for additional details of their OFLA/FMLA rights.

The employee is required to submit a completed City of Tigard "Request for Family and Medical Leave," form to their supervisor within the following time frames:

**Deleted:** of Absence Request

- a) When leave is anticipated, written notice must be provided at least 30 calendar days prior to the start of leave. "Anticipated" refers to an employee having knowledge at least 30 calendar days in advance.
- b) When leave is unexpected, verbal notice must be provided to the supervisor or Human Resources within 24 hours of the leave commencement plus written notice must be forwarded to Human Resources within 3 days after returning to work.

- c) Failure to comply with providing proper notice will result in delaying the leave until proper notice is received.
- The employee should submit any required written verification from their treating physician or health care provider based on the timeframes and guidelines identified under the "Medical Certification" section below.
- The employee should make arrangements with their supervisor for the completion and submittal of timesheets during their leave of absence.
- The employee should keep their supervisor and Human Resources apprised of their situation on a regular basis.
- The employee should inform their supervisor and Human Resources of their intent to return to work as soon as their treating physician has informed them of the release date.
- The employee should forward any required medical release documentation from their treating physician or health care provider to Human Resources at least one day prior to returning to work.

#### Medical Certification

- The city requires written verification from the treating physician or health care provider at least 30 days prior to the start of the leave for an anticipated serious health condition relating to either the employee or the employee's family member on a form furnished by the city.
- In cases where the serious health condition is unanticipated, the employee has 15 days from the date of the city's request to provide the required medical certification.
- The city has the right to solicit a second and, if necessary, a third opinion to verify the health care provider's certification of a serious health condition. This verification will be at the city's expense.
- If the required medical certification does not validate the necessity for OFLA/FMLA leave, the leave will be retracted. In this situation, employees may be placed on unapproved leave of absence and the time originally counted toward their OFLA/FMLA entitlement will be revoked.
- For employees on approved intermittent family medical leave, additional medical certification may be required upon expiration of the current medical certification or every 30 days as deemed necessary by the city.
- The city also requires the employee to contact their supervisor with a status report at least every 30 days. In addition, the employee must inform their supervisor of their intent to return to work at least one day before returning to the job.
- In the case of the employee's own serious illness, a medical release form will be required before returning to work.



- If an employee has used leave to care for a sick child on more than three separate occasions in a 12- month leave period, upon request the employee must provide medical documentation that their child was ill and required home care to support any additional use of sick child leave.

#### Use Of Paid Leave Time

- The City requires the substitution of accumulated sick leave or Medical Leave (for Management/Supervisory/Confidential Group employees participating in the PTO Program) prior to or during the duration of FMLA leave as provided by applicable city policies, bargaining agreements, State laws, and/or Federal laws.
- Management/Supervisory/Confidential Group employees participating in the Paid Time Off Program who are on an approved OFLA/FMLA leave (whether full time or intermittent) may have immediate access to their Medical Leave Bank.
- After sick leave or Medical Leave has been exhausted, employees are required to use any other accumulated paid time (i.e., vacation, management leave, floating holiday, appointment leave, etc.) as provided by applicable city policies, bargaining agreements, State laws, and/or Federal laws during their leave of absence before being placed on unpaid leave status. Earned time (i.e., compensatory time and M2 time) is not eligible to be used during approved Oregon and/or Federal Family Medical Leave unless otherwise provided by applicable city policies, bargaining agreements, State laws, and/or Federal laws.
- Employees are required to notify their supervisor of the order in which accumulated paid time (after sick leave or Medical Leave has been exhausted) is to be used during the period of time they are on OFLA/FMLA leave as provided by applicable city policies, bargaining agreements, State laws, and/or Federal laws.

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#### Benefit Continuation

- The City will continue to maintain group health insurance coverage for the employee for the duration of their leave on the same terms as if the employee is working. This includes medical, vision, and dental. If applicable, the employee is responsible for paying their share of health insurance premiums while on leave - arrangements will be made prior to the start of the leave.
- Non-medical related benefits (i.e., LTD, Life, etc.) are the responsibility of the employee when on leave without pay status.
- Once an employee is placed on leave without pay status as a result of using all their accumulated paid leave, the employee will not continue to accrue time and benefits associated with the employee's length of service.
- If the employee chooses not to return to the city after their OFLA/FMLA leave (other than as a result of their own serious health condition), the city has the right to recoup any health insurance costs spent in their behalf.

- If the employee does not return to work after the allotted 12 weeks (either by choice or inability), they will be eligible for continuation of health benefits through COBRA provided the employee does not have other health coverage.

#### Reinstatement

- The City will make every effort to reinstate the employee in their former position.
- If reinstatement to the employee's former position is not possible due to the unanticipated elimination of the position during the time of the employee's absence, the employee will be reinstated to an equivalent position if one exists. If the employee is covered by a collective bargaining agreement, reinstatement will comply with the terms of the agreement.

### 57.0 CLASSIFICATION PLAN

The purpose of the classification plan is to provide a complete systematic and continuous inventory of all job classifications in the city and to provide accurate descriptions and specifications for each class.

**Deleted:** *Preparation*

The Classification Plan shall standardize titles, each of which shall be indicative of a definite range of duties, authority and responsibilities. Each classification shall be described in a written specification to include an appropriate title, a statement of the duties and responsibilities involved, supervision exercised and received, and the minimum qualifications required for applicants to the position. The Human Resources Director shall be responsible for the administration and maintenance of the classification plan. The Human Resources Director, with recommendations from department directors, will allocate positions to the appropriate classification and may make revisions in the classification plan including the addition of new classes, combination and/or revision of existing classes, and deletion of obsolete classes.

**Deleted:** Any "working title" desired may be used when authorized by the department director, however the unofficial job titles will have no bearing on the official designated classification title of any position or employee.  
*Maintenance of the Plan*

**Deleted:** Human Resources shall also periodically review the classification of positions and audit their duties and responsibilities, making changes as necessary to keep the plan up to date.

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#### Classification Descriptions

Classification descriptions are written statements of each job classification included in the classification plan. Descriptions include a class title, a statement describing the purpose and distinguishing characteristics of positions in the class, representative examples of work performed, supervision exercised, supervision received, and general recruiting indicators (knowledge, skills, abilities, experience and training) that a person should possess to successfully perform the work. Necessary requirements such as licenses or certifications are also included.

Classification descriptions do not prescribe each and every specific duty of any position, nor do they limit the authority of management in assigning work. A classification description shall be liberally construed as a general description of the work characteristics of similar positions properly allocated to that class. Specifications are intended to indicate the kinds of positions allocated to the various classes as determined by their duties, responsibilities and minimum qualifications and should be interpreted as a whole and in relation to others in the

**Deleted:** Specifications are descriptive and not restrictive and

classification plan. Nothing in the class specification is to be interpreted as restricting a supervisor from assigning an employee of one class to perform some of the duties of a higher class or lower class for a limited period of time.

**Deleted:** Particular phrases or examples shall not be isolated and treated as a full definition of the class.\*||

Supervisors are responsible for ensuring that the classification descriptions for each position under their supervision are periodically reviewed to ensure their accuracy, and that revisions are forwarded to Human Resources.

### Reclassification

A reclassification may occur when job content changes substantially, requiring the position to be assigned to a different classification and/or pay range. Managers and supervisors are responsible for ensuring that the duties assigned to employee are consistent with their classification and reasonably fit within the overall concept of that class. Managers and supervisors are also responsible for making timely requests for classification reviews when there is a question regarding the classification allocation of a position or positions.

Reclassification will not be used to: a) avoid restrictions concerning demotions and promotions, or b) make a change in salary in the absence of a significant change in assigned duties and responsibilities. Managers may assign duties that reasonably fit within the overall, broad parameters of a classification in cases of a bona fide emergency affecting the health, safety and welfare of the community for a specific duration to deal with that emergency, or in temporary "working out of class" situations.

If the duties of an existing position change sufficiently so that the current classification may no longer be appropriate, a request for a classification review shall be submitted to Human Resources, preferably prior to the change in assigned duties and responsibilities. A department director, manager or supervisor may initiate a request to Human Resources for a reclassification review. An employee may also initiate a request to their supervisor for a reclassification review. The request must be in writing and must include all requested supporting documentation required for a decision to be made including the justification for the requested change.

The Human Resources Director may initiate a classification review at any time. The effective date of the reclassification action shall be the date the written request for reclassification and all required supporting documentation is filed with Human Resources.

An employee occupying a position that has been reclassified may be retained in the position provided that a) Human Resources certifies that the incumbent possesses the minimum qualifications of the new class, and b) the incumbent has been performing the duties of the higher or lower classification prior to the position audit and c) the department director determines that the performance of the incumbent has been satisfactory. Reclassified employees meeting the above criteria will not serve a new probationary period and their merit date will not change. If all of the above conditions cannot be met, the position will be open for recruitment. An employee who is not appointed to the reclassified position will be transferred or demoted to a suitable, vacant position, provided that they are qualified to perform the work, or will be separated from employment if no other suitable, vacant position exists.

**Deleted:** Allocation of Position\*||

Each position shall be allocated to one of the classes of the approved classification plan. In determining the class to which any position is allocated, the specification describing each class shall be considered as a whole, comparing general duties, responsibilities, minimum qualifications and relationships to other positions in order to obtain an inclusive picture of the position and placement into an appropriate class. The Human Resources Department shall analyze the position and assign it to the appropriate class within the Classification Plan. A new class specification shall be prepared to cover each additional position which is created and for which the classification plan does not provide a satisfactory class description. Employees shall be notified of the allocation of their position, and the class title as it appears on the class specification shall be used to designate the position on official records and payroll.\*||

## 58.0 COMPENSATION ADMINISTRATION

The city is interested in providing a fair and equitable compensation plan that retains and attracts qualified employees to the organization. The salary plans for city employees are developed through the collective bargaining process for those employees represented by bargaining units, and by the City Manager and City Council for those supervisory, management and non-represented employees. In consultation with the City Manager, the Human Resources Director shall recommend to the City Council for adoption, the city's salary plans, compensation policies and any changes necessary.

The salary plans list the salary ranges in the plan for each classification, and a minimum and maximum rate of pay and such intermediate rates as are considered necessary and equitable. Flat rates may be used instead of salary ranges where appropriate. Each job classification shall be assigned a salary range, and pay for any position in that classification must be within that salary range except as approved by the City Manager.

Adjustments to assigned ranges for individual classifications and presentation to Council of new classifications and ranges shall generally be done in conjunction with the annual budgetary process, except where the Human Resources Director determines that:

1. a substantial change in the duties and responsibilities of the classification necessitates a salary adjustment, or
2. an inordinate amount of turnover within the classification is attributed to an inadequate salary level, thereby necessitating an immediate salary review; or
3. difficulty in recruitment of qualified candidates for a classification is attributed to an inadequate salary level, thereby necessitating an immediate salary adjustment.

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Compensation rates for City classifications shall be set in accordance with the City compensation policies, subject to collective bargaining where applicable. Compensation policies shall be administered in a fair and consistent manner.

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### Annual Review

Annually, prior to the adoption of the budget, the Human Resources Director shall submit a recommended compensation plan for all non-bargaining unit city employees to the City Manager for consideration by the City Council. The Council may provide a general salary adjustment to the salary plan and this is distinguished from a merit salary increase.

### Administration

Individual wages are determined by progression through the classification pay range as provided below, or within the collective bargaining agreement. Eligibility for advancement through the salary range will be delayed by layoffs or certain unpaid leaves of absence.

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### Beginning Salary

Normally an employee will be appointed at the beginning salary rate of the pay range established for the classification. Appointments above the beginning salary rate for the pay range will be presented in writing to the City Manager for final approval. The factors to be reviewed in approving appointment beyond the beginning rate may include the availability of applicants with the qualifications for the vacant position, qualifications of all available

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applicants, the resulting relationship to other similar classifications, a substantially higher level than the recruiting indicators of training, experience, or other qualifications of the candidate, and the time available to continue the recruitment process. Budget considerations will be an important factor in the recommendation.

#### Merit Increases

Merit increases shall be granted based on satisfactory performance at the completion of twelve months of employment from the date of satisfactory completion of the probationary period, and every twelve months thereafter, except as otherwise specified in union contracts, management group personnel policies, or individual employment agreements. When an employee reaches the final step or maximum rate of the salary range, no more merit increase salary adjustments will occur.

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#### Promotions

A promotion is an appointment to a position in a classification which has a higher maximum salary rate than the employee's present classification. Normally, the employee shall receive the nearest higher salary, equal to or greater than five percent (5%) above the employee's current salary in the new range on the date of promotion. In no event shall a promoted employee's salary be less than the starting pay of the salary range for the new classification. The department director who believes that the promotion should be made at a higher rate within the new range must present his/her request in writing to the Human Resources Director, who will review the matter and make a recommendation to the City Manager. Factors such as the qualifications and prior experience of the candidate as well as the city budget will be considered. Employees who are promoted will be required to serve a new probationary period, and their merit date will change to the date of their promotion.

#### Demotions

A demotion is an appointment to a position in a classification which has a lower maximum salary rate than the employee's present classification or a reduction in rate to a lower step or placement on the range. When a demotion occurs, the department director shall recommend one of two salary options: (1) a salary for the demoted employee on one of the steps within the salary range of the lower classification, or (2) that the employee's salary be frozen at its current rate and designated by "red circle" rating until the new range reaches the employee's frozen pay level. The application of any of these options shall not result in an employee receiving a higher salary. These options shall also apply to demotions in lieu of layoff. The City Manager has the authority to grant approval of "red circle" ratings where the salary is to exceed the top step of the lower classification range. An employee's merit date shall remain the same when a demotion occurs.

**Deleted:** set at not higher than ten percent (10%) over the top step in the salary range of the lower classification and

#### Temporary Employees

Temporary employees usually will be paid at a rate within the salary range for the class which most nearly describes the nature of the duties assigned to the employee.

#### Salary Range Changes

When the salary range for a classification is changed, the employee's pay will be based on the same step or same relative position in the new range as the old range. This change will not alter the employee's merit date. Salary range adjustments normally are made as part of the budgetary process and are to be distinguished from merit salary increases. Salary range changes do not recognize length or quality of service.

#### Classification Transfer

When an employee is appointed to a position in a different classification which has the same pay range, the employee's pay remains the same. The employee will be required to serve a probationary period in the classification if he/she has not previously served a probationary period in the classification. The employee will retain the same merit date.

#### Reclassification

A reclassification may occur when the job content changes substantially, requiring the position to be assigned to a different classification and/or pay range. An employee whose position is reclassified to a higher classification with a higher maximum salary rate will receive a pay increase equal to at least 5% or the nearest step, whichever is greater. An employee may not be placed lower than the first step of the range or above the top step of the range. When an employee is reclassified to a lower classification the department director shall recommend one of two salary options: (1) a salary for the employee on one of the steps or within the salary range of the lower classification, or (2) that the employee's salary be frozen at its current rate and designated by "red circle" rating until the new range reaches the employee's frozen pay level. The application of any of these options shall not result in an employee receiving a higher salary. Employees will not be required to serve a new probationary period if they are retained in the reclassified position provided they meet the conditions specified under the article "Classification Plan", and their merit date will not change.

**Comment:** This section relocated here from another section

#### Working Out Of Classification

Except for on the job training purposes, whenever an employee is required to perform any substantial portion of duties relative to tasks assigned in a higher level of classification above that in which the employee is normally classified, the employee shall be paid for such work at a rate within the salary range for the higher classification, not to exceed the maximum step of the higher salary range. Working out of classification must be approved in advance by the department director.

**Deleted:** When an employee is reclassified to a lower classification the salary may be decreased if the salary is higher than the highest step of the new salary range or the salary may be frozen until the new range reaches the employee's present pay level. Employees will not be required to serve a new probationary period if they are retained in the reclassified position provided they meet the conditions specified under the article "Classification Plan", and their merit date will not change.¶

#### Supervisory Pay

Whenever an employee is temporarily assigned the added responsibility for supervision of a work unit beyond their regular duties but they are not performing a substantial portion of the duties of a higher supervisory class, the department director shall pay that employee an additional rate of five percent (5%) added to the employee's regular wage for the period the employee is given the added supervisory responsibilities.

**Deleted:** for more than a total of fifteen (15) consecutive or nonconsecutive days (eight (8) hours or any portion thereof)

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**Deleted:** of ten percent 10% above their current salary or the first step of the assigned higher classification work, whichever is greater,

#### Jury/Witness Pay

Employees will be paid at their standard rate of pay when they are required to report for jury duty or as a witness in cases in which the employee has no interest. Compensation received by the employee for serving on a jury will be paid to the city. Compensation received by the employee to cover travel and related expenses will be retained by the employee, unless otherwise paid by the city. It is the responsibility of the employee to report to work for the remainder of their normal shift if jury duty does not exceed the work day, or to make arrangements with their supervisor for approval of the use of accrued leave.

Disciplinary Deductions for Exempt Positions under the FLSA

Other than for major safety violations as defined and interpreted under the Fair Labor Standards Act, disciplinary suspensions without pay shall not be imposed for less than one workweek duration for employees whose job classification is exempt from the Fair Labor Standards Act.

## **59.0 COMPLAINT PROCESS**

It is the policy of the city that employees be provided a process whereby their problems and complaints will be considered as fairly and rapidly as possible without fear of reprisal. These policies are available to all employees, however, bargaining unit employees must use the grievance procedure in their collective bargaining agreement if the action pertains to an interpretation or application of an agreement provision or any matter within the scope of representation. This complaint process may not be utilized for: 1) disciplinary action 2) complaints for which the city provides an alternate dispute resolution procedure 3) any matter which is to be or has been grieved under an applicable collective bargaining agreement, or 4) termination or a probationary appointment. Every effort will be made to find an acceptable resolution by informal means at the lowest possible level of supervision.

An employee or group of employees may file a complaint if they believe an injustice has been done because of:

- A lack of city policy or department policy
- A policy that is unfair
- A deviation from the city's adopted policies
- A disagreement with another employee or supervisor
- A discretionary action of a department in the application of the city personnel rules and policies

All complaints must be in writing and must, at a minimum, refer to the policy, rule or regulation in question, the condition or situation causing the complaint to be filed, and the remedy sought by the complainant.

An employee who has a problem or complaint shall first attempt to resolve the problem informally through consultation with his/her immediate supervisor. This shall be

accomplished within five working days after the occurrence or within seven working days after the employee knew or reasonably should have known the facts upon which the complaint is based. The supervisor shall respond to the employee within seven days of the initial discussion with the employee.

If the complaint is not resolved to the employee's satisfaction, the employee may, within five working days of a response by the supervisor, forward a formal written complaint to the supervisor. The supervisor shall, within five working days of receipt of the complaint, render a decision in writing regarding the resolution of the complaint.

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If a complaint is not settled with the employee's supervisor, the complaint may be appealed in writing to the employee's department director within ten working days from the receipt of the immediate supervisor's written response. The complaint must specifically set forth the reason the supervisor's response was not satisfactory. The employee may request a meeting with the department director. The department director may also conduct a meeting without a request from the employee. The department director shall render a decision in writing within ten working days of the date of the meeting, if a meeting was held, or within fourteen days of the receipt of the complaint.

If a complaint is not settled with the department director, the employee may submit the complaint within ten working days from the receipt of the department director's response in writing to the City Manager or his/her designee. The complaint must specifically state the reason the responses previously provided by management were not satisfactory. A meeting may be held by mutual agreement of the parties. Twenty-one calendar days from receipt of the complaint, the City Manager shall deliver a written decision to the employee. This decision shall be final and binding.

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The time limits set forth are essential to the timely review and resolution of complaints. The time limits, however, may be extended by mutual agreement in writing of the employee and the department director or City Manager, depending at which step the complaint is at.

It will be the employee's responsibility to submit the complaint to the next designated level within the specified time limits if they are not satisfied with the decision. The employee's failure to submit the complaint to the next designated level within the time limits imposed shall terminate the process, and the complaint shall be considered settled on the basis of the last decision, and not be subject to further appeal or recommendation.

There shall be no restraint, interference, coercion, discrimination or reprisal against any employee for using the complaint procedure.

## 60.0 JOB SHARING

A budgeted position may be shared by two (2) individuals if in the city's judgment, the position lends itself to a job share arrangement without decreasing the efficiency of city services or increasing the net cost of the position to the city. The criteria for determining if a position lends itself to a job share arrangement include, but are not limited to those outlined below:

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- whether the arrangement hampers or assists departmental or city operations;
- whether the job functions can easily be broken into parts or have a variety of unique duties or specific parts;
- whether the normal work schedule allows the job to be shared on an equal basis during the pay period;
- whether qualified individuals can be found to fill both parts of the position;
- whether the amount of training required before a person can fully perform the job functions is cost effective;
- whether arrangements can be made to accomplish the work assigned to the position in the absence of one or both employees filling the position;

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Job sharing arrangements are typically on a half day or half week basis. Filling of a job share position shall be in accordance with established recruiting and selection procedures.

*The following guidelines shall apply:*

1. Job sharing will only be granted when it is consistent with city needs and where the department has demonstrated that the functions of the shared position can effectively be performed by two (2) persons;
2. The position to be shared must be an adopted and budgeted full time position;
3. All job sharing requests must be submitted under the signature of the department director;
4. Each job sharer is required to work a total of twenty (20) hours per week in order to qualify for city benefits. Benefits, including sick leave, vacation, holiday pay, and health insurance will be pro-rated in the same manner as for other regular part time employees;
5. The two (2) employees filling a job share position must be of the same classification as the position being shared. The employees may be hired at different steps or placement within the pay range;
6. The days and hours worked and the duties assigned to each employee shall be the responsibility of the immediate supervisor with the approval of the department director;
7. The city reserves the right to discontinue a job share position for any reason at any time.

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Job share arrangements may be initiated by the supervisor or department director when the position to be shared is vacant, or requested by a regular full time employee filling a full time position who wishes to enter into a job sharing arrangement. This option is not available to temporary or probationary employees. If requested by the employee, the request must be made in writing to the supervisor who must then obtain the approval of the department

Deleted: <#>No job share arrangement will be allowed for positions represented by a collective bargaining agreement unless specifically provided for in such agreement.

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director. If an employee in a job share position requests to work full time and the position is not filled by two employees when the request is made, the position may be reallocated as full time and the employee may be granted the full time position. In no case will the second employee filling a job share position be laid off or terminated solely in order to accommodate the other employee's request to convert the position to full time.

**Deleted:** , Human Resources Director and the City Manager.

**Deleted:** right to fill the

**Deleted:** If the job share position is filled by two employees, the employee requesting to work full time may apply for other City positions for which he/she is qualified.

## 61.0 REPORTING IMPROPER GOVERNMENT ACTION

The City of Tigard is committed to maintaining an ethical workplace. City employees are encouraged to report any incidence of improper governmental action. "Improper government action" is defined as action taken by a city employee or officer that occurs during the performance of their official duties and that is illegal, an abuse of authority, or substantial and specific danger to public health or safety, or a gross waste of public funds. "Improper government action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restoration, re-employment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or personnel policies, alleged violations of labor agreements, or reprimands.

### Procedure

Employees who become aware of improper governmental actions should report the matter to their own supervisor and should specifically state the basis for the employee's belief that improper action has occurred. If the matter is not resolved by the supervisor, or it is believed that the supervisor is involved in the issue, the employee should send a detailed, confidential memo to their division manager, department director, Human Resources or the City Manager.

### Investigation

The employee's supervisor, manager, department director, Human Resources, or the City Manager is obligated to promptly investigate the reported improper governmental action. The name of the employee reporting the action will remain confidential to the extent possible under the law. A summary of the findings may be requested by the employee placing the complaint. Any personnel actions taken are confidential and will not be included in the summary.

### Retaliation

If an employee makes a good faith effort to follow the procedures outlined above, he/she is protected from retaliatory action by this policy and under the law. "Retaliatory action" means any adverse change in the terms and conditions of the employee's employment due to reporting an improper governmental action. If an employee believes that retaliatory action has been taken, they should report the change to their supervisor, division manager, department director or Human Resources. If the complaint is not resolved within 30 days, the employee may forward their complaint to the City Manager. The written complaint must state the retaliatory action taken, and the requested relief. The complaint will be investigated and responded to within 30 days.

## 62.0 INCLEMENT WEATHER

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The City of Tigard has an obligation to its citizens to continue offering public and emergency services during inclement weather and disasters, and employees are to consider city offices open and operating. Employees are encouraged to make every attempt to report to and remain at work, unless otherwise notified by the City Manager or other authorized designee.

The City Manager may use his discretion in deciding whether city offices will remain open during periods of severe inclement weather and may vary these policies on Inclement Weather on a case by case basis. Employees must advise their supervisor of their late arrival to work or absence from work due to inclement weather as soon as possible.

Overall, the city's policy is that employees will only be paid for hours worked. Employees who are authorized to report to work late or are authorized to leave early because of extremely hazardous weather conditions shall use accrued leave. Sick leave and appointment leave may not be used for lost time due to inclement weather conditions. Employees may, as an alternative, request authorization to make up missed time from their supervisor. If an employee determines that it is unsafe to report for work, they will be authorized to use accrued leave, other than sick leave, or may request authorization from their supervisor to make up the missed time if such time can be arranged to accommodate work needs of the department.

If the city finds it necessary to close City Hall and/or other city facilities while employees are at work, employees will not automatically be released from work. On a case by case basis, employees may be reassigned to other duties such as assistance in the city's emergency operations center. Department directors will determine whether an employee is to be temporarily reassigned duties, or whether they may be released from work early. If they are released from work early, the employee may use accrued leave other than sick leave, or make arrangements with their supervisor to make up the missed time if such time can be arranged to accommodate work needs of the department.

If City Hall and/or other city facilities are closed effective the beginning of the work day, employees will be allowed to take accrued leave other than sick leave, or make up the missed time with their supervisor's authorization. Exceptions to this situation will be those city employees required to report for work due to the nature of their job and/or its relationship to the emergency situation (i.e. police, public works, etc.)

## 63.0 SOLICITATION ON CITY PROPERTY

With the exception of vendors conducting normal business with the city, the city does not allow peddling, solicitation or sale of goods or services for charitable or any other purposes on city property during working hours without the approval of the City Manager. In addition, the City Manager may designate specified locations on city property to be used by employees for the purpose of posting notices of items for sale or otherwise of interest to other employees. It is the obligation of employees wishing to utilize this privilege to do so during off duty hours and in a manner which does not interfere with their work. The City Manager may waive the provisions of this rule in cases where the sale of goods on city



property will not interfere with the operations of the city nor be in conflict with any other rule, regulation or law.

#### 64.0 DEFENSE AND INDEMNIFICATION OF CITY OFFICIALS

This policy refers to the defense and indemnification of city officials and employees in proceedings not subject to the Oregon Tort Claims Act (OTCA), and defense of claims brought pursuant to ORS Chapter 244 (Government Standards and Practices).

##### Public Purpose for Policy

It is in the public interest of the City of Tigard that Tigard's officers and employees be free of the personal financial hardship resulting from having to defend claims and charges (other than "true" crimes punishable by imprisonment) which are beyond the scope of the OTCA (Oregon Claims Tort Act) and which arise out of their good faith performance of their duties. For the purpose of this policy, the city's "officers and employees" include: City elected officers, members of the city's official advisory boards, committees and commissions, charter officers and all employees.

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##### General Rule

The city will defend and indemnify any city officer or employee and pay the cost of defense and the amount of any judgments entered against the officer or employee. The city reserves the right to not defend or indemnify if the action or omission of the officer or employee was in bad faith and with malice.

Good faith is absent if the officer or employee knew or reasonably should have known that the action or omission would violate the law, rule or regulation which he or she is charged with violating, or if the officer or employee acted contrary to the advice of legal counsel.

##### Limitations on Defense and Indemnification of Crime Punishable by Imprisonment

In no event should the resources of the city be committed to the defense and indemnification of a city officer or employee charged with a crime punishable by imprisonment unless the Council is satisfied that:

The offense charged is based solely on the alleged negligence of the officer or employee, and the officer or employee was not malfeasant in office nor willfully or wantonly neglectful of official duty; and/or,

It appears that the allegedly criminal act or omission was done or omitted as a conscious and good faith choice between evils in response to an emergency, or as a conscious and good faith attempt to protect persons from injury, disease, or to protect property from damage or destruction, either of which would have been likely and substantial had the officer or employee not acted in the manner charged; and/or

The only basis for charging the official is vicarious liability for the misconduct of a subordinate, and where the official clearly did not participate in or condone the subordinate's conduct knowing or having good reason to know it to be unlawful.

### Defense and Indemnification Conditional

Any commitment of city resources, pursuant to this policy must be contingent on the Council's continued satisfaction that the conditions found to justify defense and indemnification continue to be met. Should it appear that the officer or employee has misstated or failed to disclose facts which, if known, would have changed the initial decision to defend and indemnify, the city's commitment to that person's defense and indemnification shall be withdrawn and the city shall be entitled to recover from that person any public funds expended on that person's defense and/or indemnification.

### Payment of Costs; Reimbursement of City

Ordinarily the commitment to defense and indemnification of an officer or employee will involve direct payment of defense and indemnification costs as they are incurred. In any case, however, the Council may choose to commit only to reimbursement of validated expenses in the event the officer or employee is ultimately exonerated. If the particular law, rule or regulation under which the officer or employee has been charged provides for payment of costs and/or attorney fees if the officer or employee prevails, the city shall be entitled to reimbursement of any such costs and/or attorney fees paid by the city.

### No Entitlement to Defense and Indemnification

Nothing in this policy should be construed to entitle any officer or employee to defense and indemnification. The intent of this policy is to vest discretion with the Council with certain restrictions as to when defense and indemnification funds may not be provided. In each case the Council should be guided by considerations of what is in the best interest of the City of Tigard subject to the above conditions and restrictions.

### Defense of ORS Chapter 244 Claims

In the event a claim is made against any officer or employee pursuant to ORS Chapter 244 (also known as Oregon Government Standards and Practices), the officer or employee is responsible for providing their own defense. The officer or employee will be reimbursed for the costs of providing their own defense, if the officer or employee is exonerated.

## **65.0 VOLUNTARY RESIGNATIONS**

To voluntarily resign or retire in good standing, an employee must submit a written letter of resignation or letter stating intent to retire to their supervisor a minimum of ten (10) working days prior to the effective date of resignation or retirement, unless covered by an employment agreement in which case the provisions of such agreement shall prevail. Failure to submit a timely written resignation or notice of intent to retire may be cause to exclude the individual from future employment opportunities with the city. A resignation may be accepted immediately upon receipt when the notice requirement is waived by the department director.

### **Deleted: 62. HAZARD COMMUNICATION¶**

In order to comply with federal and state occupational health and safety codes, and to ensure a safe environment for employees and members of the general public, the City of Tigard maintains a written Hazard Communication Program which complies with all applicable codes and standards.¶

It shall be the responsibility of the Risk Management Division to maintain and update this Program, and of managers, supervisors and employees to comply with its provisions.¶

Further information and procedures related to this policy are contained in the City of Tigard's Risk Management Manual.¶

Upon receipt of the written letter of resignation or notice, the supervisor shall prepare and obtain the employee's signature on a Personnel Action form and forward that form to Human Resources with the original letter of resignation/retirement attached. A copy of the letter may be retained in the department.

The supervisor shall ensure that all city property is returned by the employee on or before the effective date of resignation/retirement, and that arrangements are made for previous tuition reimbursement to be refunded to the city by the employee if appropriate. The supervisor shall advise the employee to contact Human Resources regarding scheduling an exit interview.

At the discretion of the department director, with the approval of the City Manager, an employee may be permitted to withdraw his/her resignation/retirement request at any time up to and including his/her last day of employment, provided the position has not already been filled. However, the employee may not be reinstated after leaving city employment without participating in an authorized selection process.

Employees who are absent from work without approved leaves for a period of three (3) consecutive work days may be considered by the city to have abandoned their position and resigned from the city service.

Agenda Item #

Meeting Date

June 12, 2007

## **CITY CENTER DEVELOPMENT AGENCY AGENDA ITEM SUMMARY**

City Of Tigard, Oregon

Issue/Agenda Title Adoption of FY 07-08 Downtown Implementation Strategy

Prepared By: Phil Nachbar

Dept Head Approval:

TC cp

City Mgr Approval:

cp

### **ISSUE BEFORE THE CITY CENTER DEVELOPMENT AGENCY**

Shall Council approve the FY 07-08 Downtown Implementation Strategy and Work Program update?

### **STAFF RECOMMENDATION**

Adopt the FY 2007-08 Downtown Implementation Strategy and Work Program.

### **KEY FACTS AND INFORMATION SUMMARY**

At its May 15 the Council meeting, staff provided an overview of the annual update to the Downtown Implementation Strategy for FY 2007-08. Council provided their thoughts with regard to the revised Strategy and Work Program, and concurred with staff on various aspects of the Strategy and direction for Downtown. These include a contract for a professional "development strategy" to support the effort to revise land uses and regulations, and provide an unbiased assessment of opportunities for short-term and long-term development in Downtown. At its May 9<sup>th</sup> meeting, the CCAC reviewed the revised Strategy and passed a motion recommending its adoption by City Council.

The Downtown Implementation Strategy is the key document intended to organize and prioritize "near-term" and "long-term" policies and actions for the Downtown. It includes goals, policies, and both a 1-Year Work Program and 3-year Action Plan. The first Strategy was first adopted in August 2006. This is the annual update for FY 2007-08.

Adoption of the Downtown Implementation Strategy provides specific direction to staff and the City Center Advisory Commission (CCAC) for a FY 07-08 Work Program, and an overall strategy for Downtown.

There have been no substantive changes to the policies within the document. However, the 1-Year Work Program and 3-Year Action Plan have been revised to reflect progress made, anticipated new projects, and prioritization of work. Significant changes to the 1-Year Work Program include: performance of a market and development strategy to assist in identifying real estate opportunities, maximizing new investment and developing new land use regulations, development of the master plan for Fanno Creek Park and a Downtown Public Plaza, refinement of the Urban Design Plan to address the need for better circulation, future districts and land uses, and evaluation of the feasibility of the Urban Creek Corridor, the identified north-south open space connector in Downtown. Over the upcoming fiscal year, an effort will be made to make contact with developers on several different projects, work towards resolving key issues related to circulation and potential redevelopment such a rail crossing for Ash Avenue, and clarify the future disposition of the City owned property in Downtown.

The 3-Year Action Plan for FY 07-08 is a continuation of last year's plan with minor modifications based on progress and adjustments.



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**OTHER ALTERNATIVES CONSIDERED**

None considered.

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**CITY COUNCIL GOALS**

The Downtown Implementation Strategy update furthers Council's goal to continue to support implementation of the Downtown Plan.

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**ATTACHMENT LIST**

FY2007 1-Year Work Program and 3-Year Action Plan.

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**FISCAL NOTES**

There is no direct cost impact to adopting the FY 2007-08 Downtown Implementation Strategy. All projects anticipated for FY 07-08 have been submitted as part of the annual City and Urban Renewal budgets.

**TIGARD DOWNTOWN WORK PROGRAM 1--YEAR****FY 07-08****Project / Task**

July Aug Sept Oct Nov Dec Jan Feb Mar April May June

***Facilitation of Downtown Redevelopment Projects*****Downtown Opportunity Sites—Program Development**

Perform Market Analysis / Development Strategy

Develop Program for Assembly / Marketing of Parcels

Evaluate opportunities for public plaza / private development project

Identify / evaluate City-owned property for redevelopment

Coordinate City facility planning with redevelopment efforts

Initiate discussions with USPS for relocation

**Refine Urban Design Plan for Downtown****Land Use—Regulations / Design Guidelines**

Design Guidelines

Identify Design Guidelines for evaluation

Evaluate options for Design Guidelines

Coordinate review of Design Guidelines

Land Use Regulations

Identify Land Use regulations for evaluation

Evaluate options for Land Use / Zoning Regulations

Coordinate review and amendment of Land Use Regulations

**Commuter Rail Block**

Transit Center Redevelopment

Prepare Preliminary Project Feasibility Study

# TIGARD DOWNTOWN WORK PROGRAM 1--YEAR

**FY 07-08**
**Project / Task**

July Aug Sept Oct Nov Dec Jan Feb Mar April May June

**Improvement of Fanno Creek Park/Open Space System**
**Fanno Creek Park / Public Area**

Develop Fanno Creek Park &amp; Plaza Master Plan

Plaza Location Study / Programming

Coordinate / Integrate Fanno Creek Improvements into Plan

Design Alternatives

Preliminary Master Plan

Final Master Plan

Fanno Creek Park &amp; Plaza Implementation

Adopt Master Plan

Incorporate into Parks System Master Plan

Prepare Construction Documents

Fanno Creek Trail System

Determine feasibility of Trail Extension (Main St. to Grant St.)

Construct Trail Improvements

**Rail to Trail (Hall to Tiedeman St.)**

Prepare overall feasibility study

Execute joint agreement with property owner

**Land Acquisition**

Land Acquisition (floodplain properties)

Land Acquisition (Public Area)

Coordinate with affected property owners

Establish time frame for relocation / property conveyance

**Urban Creek / Green Corridor**

Prepare feasibility study

Identify alignment and design parameters

Determine recommendations / Obtain Council approval

Evaluate for inclusion into Parks Master Plan (optional)

**TIGARD DOWNTOWN WORK PROGRAM 1--YEAR****FY 07-08****Project / Task**

July Aug Sept Oct Nov Dec Jan Feb Mar April May June

**Improvement of Fanno Creek Park Open Space System (continued)****Restoration & Wetland Mitigation Projects**

Conduct hydrologic / design analysis of Fanno Creek

Identify Fanno Creek realignment options

Prepare final engineering drawings for creek improvements

Construct Creek restoration and improvements

Construct initial park improvements

**Farmer's Market**

Evaluate for inclusion in public plaza programmed uses

**Development of Comprehensive Street/Circulation System****Refine Circulation Plan for Downtown**

Determine / Evaluate Circulation Plan Options

Coordinate Review / Select Circulation Plan Option

**Streetscape Enhancement Program**

Burnham Street (Final Design / ROW)

Final design / ROW

Construction

Commercial Street (Main to Lincoln)

Final design / ROW

Construction

Main Street

Identify Main Street "Brand Tigard" Improvements

**Ash Avenue Improvements**

Ash Ave. (Burnham St. to Rail )

Engineering / ROW

Construction

**TIGARD DOWNTOWN WORK PROGRAM 1--YEAR****FY 07-08****Project / Task**

July Aug Sept Oct Nov Dec Jan Feb Mar April May June

***Development of Comprehensive Street / Circulation System******(continued)***

Ash Ave. Feasibility Study (N. of Fanno Creek)														
RR At-Grade Crossing (vehicular and pedestrian)														
Initiate discussion with RR as to criteria / requirements														
Establish timeframes and agreement with RR														
Coordinate Ash Avenue Open Space Design with Fanno Master Plan														
<b>Hall Blvd. / 99W Downtown Gateway</b>														
Gateway Conceptual Design														
Intersection Design Input / Washington County														
Coordinate Review of Preliminary Design														
ROW Acquisition														
Review Gateway Preliminary Design														
Construction														
<b>Main Street Improvements</b>														
Install Safety Improvements														
<b>Pedestrian / Bike Plans</b>														
Update with Circulation Plan														
<b>Parking Management Plan</b>														
Monitor Parking in Downtown														

# TIGARD DOWNTOWN ACTION PLAN — 3 YEAR

Project / Action	Year 1 FY 07-08	Year 2 FY 08-09	Year 3 FY 09-10	Future
<b><i>Facilitation of Redevelopment Projects</i></b>				
<b>Downtown Development Opportunity Sites-Program</b>				
Market Analysis/Development Strategy	X			
Identify Opportunity Sites for Redevelopment	X			
Development Program for Land Assembly/Marketing	X	X	X	
<b>Land Use—Regulations / Design Guidelines</b>				
Land Use / Building Types Refinement	X			
Design Guidelines	X	X		
Land Use Regulations	X	X		
<b>Commuter Rail</b>				
Commuter Rail Station	X			X
Commuter Rail Block / Joint Development	X			
Shelter Upgrade	X			
<b>Downtown Housing Development</b>				
Housing Study	X			
Housing Program Estimate	X			
Implementation			X	X
<b>Performing Arts / Recreation Center</b>				
Performing Arts Use / Preliminary Siting	X			
Performing Arts Use / Feasibility Study				X
Land Disposition / Acquisition				X
<b>Post Office Relocation</b>				
Initiate discussions with USPS	X			
Follow-Up Actions (Relocation Study / Facilitation)		X		
<b><i>Improvement of Fanno Creek Park &amp; Open Space System</i></b>				
<b>Fanno Creek Park / Public Area</b>				
Fanno Creek Park Master Plan	X			
Funding Program / Parks System Master Plan	X			
Public Area Use Design	X			
Public Use Area / Redevelopment Feasibility	X			

## TIGARD DOWNTOWN ACTION PLAN — 3 YEAR

Project / Action	Year 1 FY 07-08	Year 2 FY 08-09	Year 3 FY 09-10	Future
<b><i>Improvement of Fanno Creek Park &amp; Open Space System (continued)</i></b>				
Land Acquisition (floodplain properties)	x			
Land Acquisition (Public Area)		x		
Fanno Creek Realignment and Restoration	x	x		
Park Restoration	x	x	x	x
Public Area Improvements	x	x	x	x
Farmer's Market				
Site Location	x			
<b>Urban Creek / Green Corridor</b>				
Implementation Options	x			
Feasibility Study	x			
Inclusion in Parks Master Plan / Overlay Zone	x			
Preliminary Design				x
Land Disposition				x
Final Design & Engineering				x
Construction				x
<b>Ash Ave. Street / Open Space Design</b>	x			x
<b>Rail to Trail (Hall to Tiedeman St.)</b>				
Planning / Design	x	x	x	
Construction				
Hall Blvd.—Commuter Rail Segment	x			
Main St. to Tiedeman Segment				x
<b><i>Development of Comprehensive Street &amp; Circulation System</i></b>				
<b>Downtown Circulation Plan</b>				
Revise Circulation Plan	x			
<b>Streetscape Enhancement Program</b>				
Burnham Street				
Final design / ROW	x			
Construction	x	x		
Commercial Street (Main to Lincoln--Construction)	x			
Commercial St. ( Hall to Main St.)		x		
Scoffins St.				x

# TIGARD DOWNTOWN ACTION PLAN — 3 YEAR

Project / Action	Year 1 FY 07-08	Year 2 FY 08-09	Year 3 FY 09-10	Future
<b>Development of Comprehensive Street &amp; Circulation System (continued)</b>				
<b>Streetscape Enhancement Program</b>				
Main Street				
Main Street Safety Improvements	X			
Main Street "Brand Tigard" Improvements	X	X	X	X
Main Street Comprehensive Improvements				
Design		X		
Construction			X	X
Main Street Traffic Light @ Tigard Street		X		
Storefront Façade Improvement Program		X	X	X
<b>Ash Avenue Improvements</b>				
Ash Ave. (Burnham St. to Rail )				
Engineering / ROW	X			
Construction	X	X		
Ash Ave. North Feasibility Study	X			
Ash Ave. North Design/Construction		X	X	X
Ash Avenue (Fanno Creek to Burnham St.)				X
<b>RR At-Grade Crossing</b>				
Initiate Vehicular Crossing Negotiations	X			
Pedestrian Crossing		X		
Vehicle Crossing				X
<b>Open Space Design</b>				
Burnham St. to Fanno Overlook	X			X
Ped / Bicycle Bridge				X
Terminus to RR Tracks				X
<b>Hall Blvd. / 99W Downtown Gateway</b>				
Gateway Conceptual Design	X			
Intersection Design Input / Washington County	X			
ROW Acquisition	X			
Intersection Construction	X			
Final Design (Gateway)	X			
Gateway Construction	X	X		
<b>Downtown Alternative Access Study</b>				
Downtown Alternative Access Study		X		
Greenburg Rd/99W/Main St. / Center St. Intersection	X	X		
Scaffins / Hall Blvd. / Hunziker Realignment				X
Traffic Analysis—Greenburg Rd. / Tiedeman / N. Dakota	X			
<b>Pedestrian / Bike Plans</b>				
Update Plan		X		



## TIGARD DOWNTOWN ACTION PLAN — 3 YEAR

Project / Action	Year 1 FY 07-08	Year 2 FY 08-09	Year 3 FY 09-10	Future
<b><i>Development of Comprehensive Street &amp; Circulation System</i></b> (continued)				
<b>Parking Management Plan</b>				
Monitor Parking in Downtown	x	x	x	x
Determine Catalyst Project Impact				x
Prepare Parking Study / Plan				x

Agenda Item #

Meeting Date

June 12, 2007

## **COUNCIL AGENDA ITEM SUMMARY**

City Of Tigard, Oregon

Issue/Agenda Title Approve Amendment No. 1 to Intergovernmental Agreement for TriMet Transit Police Services

Prepared By: Chief Bill Dickinson Dept Head Approval: WMD City Mgr Approval: CP

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### **ISSUE BEFORE THE COUNCIL**

The City Council is being asked to approve and authorize the City Manager to sign an amendment to the Intergovernmental Agreement between TriMet, City of Portland, and the City of Tigard which establishes that the City would provide a sergeant position in addition to the one officer currently assigned to the Transit Police Division in the City of Portland. Both positions would be completely funded by TriMet through the City of Portland.

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### **STAFF RECOMMENDATION**

Approve the amendment to the Intergovernmental Agreement and give the City Manager approval to sign the agreement.

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### **KEY FACTS AND INFORMATION SUMMARY**

The original Intergovernmental Agreement between TriMet, City of Portland, and the City of Tigard provided that the City would assign one police officer to the TriMet Transit Division, which is operated and administered by the Portland Police Bureau under a separate contract between TriMet and the City of Portland. This Division includes sworn officers from the City of Beaverton, City of Gresham, City of Milwaukie, Multnomah County, Washington County, and the City of Tigard.

This has been a very successful program and has created a greater opportunity to expand communication and cooperation between the participating jurisdictions. In addition, this has also provided an opportunity for City staff to gain greater knowledge of what is entailed for policing in a mass transit environment. This will be of great value to the City once commuter rail begins operating through Tigard. Because of the high reputation that City officers have generated, TriMet has requested that the City provide an additional position of sergeant to be assigned to this Division. The position will be fully funded by TriMet through the City of Portland.

The additional sergeant position is included in the City's FY 2007-08 Budget and no additional budget authority is needed in the current fiscal year. Under the agreement, the City was to begin providing the additional position on April 1, 2007.

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### **OTHER ALTERNATIVES CONSIDERED**

N/A

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**CITY COUNCIL GOALS**

Increase Tigard's involvement with Washington County, Metro, State, ODOT, TriMet, and Federal Government.

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**ATTACHMENT LIST**

Amendment No. 1 to the Intergovernmental Agreement.

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**FISCAL NOTES**

The additional sergeant position is included in the FY 2007-08 Budget and TriMet will compensate the City for the services of the additional position.

**AMENDMENT NO. 1  
TO INTERGOVERNMENTAL AGREEMENT  
FOR TRIMET TRANSIT POLICE SERVICES**

This Amendment No. 1 revises the Agreement among the Tri-County Metropolitan Transportation District of Oregon (TriMet), the City of Tigard (Tigard) and the City of Portland (Portland), for TriMet Transit Police Services (hereinafter "Agreement"). This Amendment No. 1 shall take effect on April 1, 2007.

1. The first Paragraph of the Agreement is revised as follows to reflect the addition of one (1) full-time sergeant to the TriMet Transit Police Division:

The purpose of this Agreement is to provide one sergeant (1.0 FTE) and one officer (1.0 FTE) to the TriMet Transit Police Division, which is operated and administered by the Portland Police Bureau under a separate contract between TriMet and Portland. TriMet, through Portland, will compensate Tigard for the services of the officer assigned to the Transit Police Division.

2. Paragraph 12, Notices, of the Agreement is revised as follows:

The parties must send any notices, bills, invoices, reports, or other written communications required by this Agreement through the United States Mail, first-class postage paid, or personally delivered to the addresses set forth below in this Amendment No. 1.

3. Exhibit 1, *Transit Police Division Operations*, Paragraph 1, first sentence is revised as follows to reflect the addition of one (1) full-time Tigard sergeant to the TriMet Transit Police Division:

Commencing April 1, 2007, Tigard will provide one sergeant (1.0 FTE) and one officer (1.0 FTE) for assignment to the Transit Police Division (hereinafter Division).

4. All other terms and conditions of the Agreement shall remain in full force and effect.
5. This Amendment No. 1 constitutes the entire agreement among the parties pertaining to the matters addressed herein, and may be modified or amended only by the written agreement of the parties.

6. The individuals signing below represent and warrant that they are duly authorized to bind the party for which they sign.

**TIGARD**

City Manager  
13125 SW Hall Blvd  
Tigard, OR 97223  
Attn: Craig Prosser

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print

\_\_\_\_\_  
Title

Approved as to form:

\_\_\_\_\_  
Tigard Counsel

**TRIMET**

4012 SE 17<sup>th</sup>  
Portland, OR 97202  
Attn: Tim Garling

*Timothy Garling*  
\_\_\_\_\_  
Signature

*TIMOTHY GARLING*  
\_\_\_\_\_  
Print

*EXECUTIVE DIRECTOR*  
\_\_\_\_\_  
Title

Approved as to Form:

\_\_\_\_\_  
Legal Counsel

**PORTLAND**

Bureau of Police  
1111 SW 2<sup>nd</sup> Avenue  
Portland, OR 97204  
Attn: Commander Henderson

*Donna Henderson*  
\_\_\_\_\_  
Signature

*DONNA HENDERSON*  
\_\_\_\_\_  
Print

*Commander*  
\_\_\_\_\_  
Title

By: \_\_\_\_\_  
Mayor

Approved as to Form:  
**APPROVED AS TO FORM**

*Andrea Cheng*  
\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. **1 809 2 2**

\* Amend an Intergovernmental Agreement with TriMet and the City of Tigard for Tigard to provide an additional sergeant to the TriMet Transit Police and for TriMet to compensate Tigard for those services (Ordinance; amend Contract No. 52503)

The City of Portland ordains:

Section 1. The Council finds:

1. The TriMet Transit Police Division includes sworn officers from the City of Beaverton, City of Gresham, City of Milwaukee, the City of Tigard, Multnomah County and Washington County.
2. Ordinance 179502, passed by Council on August 17, 2005, which authorized Intergovernmental Agreement 52503, was recorded September 29, 2005, between TriMet, the City of Tigard (Tigard), and the City of Portland (Portland). The purpose of the Agreement is to have Tigard provide one officer (1.0 FTE) to the Transit Police Division, operated and administered by the Portland Police Bureau under a separate Agreement. TriMet, through Portland, compensates Tigard for the officer assigned to the Transit Police Division.
3. TriMet, Tigard and the City of Portland wish to enter into an Amendment to that Agreement to be effective April 1, 2007. Under the Amendment, Tigard would provide one sergeant (1.0 FTE) in addition to the one officer currently provided to Transit Police Division. TriMet would compensate Tigard for the services of the additional sergeant.
4. The signatures authorizing the Amendment for Tigard are forthcoming.
5. The Amendment to the Agreement has no financial impact to the City of Portland because TriMet will compensate for the services of the sergeant as well as the officer provided by Tigard.

NOW, therefore, the Council directs:

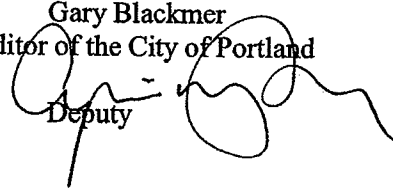
- a. The Mayor, City Auditor and Transit Police Commander are hereby authorized execute the attached Amendment to Intergovernmental Agreement 52503 between TriMet, the City of Tigard, and the City of Portland.

Section 2. The Council declares that an emergency exists because delay in proceeding with this agreement will unnecessarily deprive TriMet, Tigard and the City of Portland of the mutual benefits of this Amendment to this Agreement; therefore this ordinance shall be in force and effect from and after its passage by the Council.

Passed by Council:  
Mayor Tom Potter

**MAY 0 2 2007**

Prepared by; Bob Del Gizzi  
April 10, 2006

Gary Blackmer  
Auditor of the City of Portland  
By   
Deputy

Agenda Item #

Meeting Date

June 12, 2007

## **COUNCIL AGENDA ITEM SUMMARY**

City Of Tigard, Oregon

Issue/Agenda Title Approve Amendment #1 to City Manager Employment Agreement to provide for Paid Time Off as allowed by City Management, Supervisory, and Confidential Employee Personnel Policies.

Prepared By: Craig Prosser

Dept Head Approval:

CR

City Mgr Approval:

CR

### **ISSUE BEFORE THE COUNCIL**

Shall the Council approve an amendment to the City Manager's Employment Agreement to provide Paid Time Off as allowed by City Management, Supervisory, and Confidential Employee Personnel Policies?

### **STAFF RECOMMENDATION**

Move to approve Employment Agreement Amendment #1 and authorize the Mayor to sign it.

### **KEY FACTS AND INFORMATION SUMMARY**

The Tigard City Council voted to offer Paid Time Off and a Medical Leave Bank to Management, Supervisory, and Confidential employees of the City, effective July 1, 2007. At the time, several Councilors informally stated that they felt that this offer should include the City Manager.

The City Manager works under an Employment Agreement with the City. Although the language of that agreement could be read to allow the City Manager to switch to the new Paid Time Off system, the language is ambiguous. This Agreement amendment clearly states that the City Manager will be covered by the Paid Time Off Policy.

A memo from the City Manager to the City Council explaining the rationale for this amendment and providing the before and after language of the agreement is attached to this summary, along with a copy of the Agreement Amendment are attached.

### **OTHER ALTERNATIVES CONSIDERED**

Do not approve amendment. The City Manager would continue to accrue vacation, management leave, and sick leave under the terms of his existing Employment Agreement.

### **CITY COUNCIL GOALS**

Improved effectiveness and efficiency of internal organizational operations relative to human resource management.

### **ATTACHMENT LIST**

1. June 1, 2007 Memo from City Manager Craig Prosser to Tigard City Council.
2. Draft Employment Agreement Amendment.

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## FISCAL NOTES

Because the Paid Time Off Policy converts a portion of employees' sick leave accrual to Paid Time Off, there is a potential that Paid Time Off balances cashed out upon termination could be higher than under a vacation accrual scenario. Whether that potential will, in fact, occur depends on a variety of future actions, including the amount of time off actually taken by the employee.

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# MEMORANDUM

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TO: Mayor Craig Dirksen, and  
Tigard City Council

FROM: Craig Prosser, City Manager

RE: City Manager PTO

DATE: June 1, 2007

The City Council agreed to offer Paid Time Off to Management employees of the City effective July 1, 2007. At the time you made that decision, several Councilors commented that they felt that PTO should also be available to me as City Manager. I am interested in converting to PTO, but I feel that it would be best to amend my employment agreement to accomplish this.

Section 5 of my employment agreement currently reads as follows:

## **Section 5: Vacation, Management, and Sick Leave**

A. The Employee shall accrue sick leave and vacation leave in the same manner and amount as is accrued by other management employees of the City, except that Employee shall continue to accrue vacation at the 20 year service level. At the commencement of Employee's employment as City Manager, Employee may carry over any existing banks of leave that he has earned while previously employed with the City.

B. Upon signing of this agreement, the Employee shall receive a total of five (5) days of management leave each fiscal year, to be taken consistent with City personnel policies as applied to management employees. Management leave does not accrue from one fiscal year to the next, and any unused management leave remaining in the Employee's management leave bank will be lost if not used by the end of each fiscal year.

C. Except as otherwise stated in this Section, the Employee is entitled to accrue all unused leave without limit. In the event the Employee's employment is terminated, either voluntarily or involuntarily, the Employee shall be compensated for all vacation time, and all management leave accrued prior to the date of termination. Employee shall not be eligible to receive any cash or retirement credit for unused sick leave.

This language can be read as allowing me to switch to PTO as "sick leave and vacation leave in the same manner and amount as is accrued by other management employees of the City," but that could be open to interpretation. I would be more comfortable with an amendment to my agreement that would remove any ambiguity. I therefore suggest an amendment to my agreement which replaces the existing language in Section 5 with the following language:

#### **Section 5: Leave Benefits**

The Employee shall accrue leave benefits pursuant to the Paid Time Off Policy, No. 19.0, of the Management, Supervisory, and Confidential Employees Personnel Policies of the City of Tigard, with the following exceptions:

- A. Paid Time Off shall accrue at a rate based on twenty-two years of service as of the date of this agreement, and shall continue to increase according to the accrual schedule in the Policy as it currently exists or as it may be adjusted in the future.
- B. The Employee shall accrue an additional two days of Paid Time Off above the levels provided in the Policy in recognition of the additional management leave currently provided to the Employee above the management leave provided to other management employees of the City.
- C. Except as otherwise stated in this Section, the Employee is entitled to accrue all unused leave without limit. In the event the Employee's employment is terminated, either voluntarily or involuntarily, the Employee shall be compensated for all Paid Time Off accrued prior to the date of termination. Employee shall not be eligible to receive any cash or retirement credit for unused Medical Leave Bank leave.

The exceptions are designed to maintain status quo in the specific provisions of my current agreement which are different than the general leave policies of the City, specifically, the higher leave accrual rate (updated for the passage of time since the agreement was originally signed), a higher management leave rate (5 days vs 3 days), and no cap on leave accrual.

If Councilors are comfortable with this approach, I would place an employment agreement amendment on the June 12 Consent Agenda. If you are not comfortable with this approach, I would stick with the current terms of my employment agreement.

Please let me know by end of day on Monday, June 4 which approach you would prefer to take.

Thank you for your consideration.

cc: Sandy Zodrow, Human Resources Director

Amendment #1  
Employment Agreement  
Between  
Craig Prosser (Employee) and the City of Tigard

The City Council of the City of Tigard recently adopted a Paid Time Off Policy for management employees of the City of Tigard. The City is offering current management employees a one-time opportunity to opt into this new policy as of July 1, 2007. Craig Prosser desires to enter into this new policy. The Employment Agreement between the City of Tigard and Craig Prosser dated September 13, 2005 is therefore amended as follows:

**Section 5: Vacation, Management, and Sick Leave** is hereby deleted and is replaced with a new Section 5.

New section to be made part of the Employment Agreement:

**Section 5: Leave Benefits**

The Employee shall accrue leave benefits pursuant to the Paid Time Off Policy, No. 19.0, of the Management, Supervisory, and Confidential Employees Personnel Policies of the City of Tigard, with the following exceptions:

- A. Paid Time Off shall accrue at a rate based on twenty-two years of service as of the date of this agreement, and shall continue to increase according to the accrual schedule in the Policy as it currently exists or as it may be adjusted in the future.
- B. The Employee shall accrue an additional two days of Paid Time Off above the levels provided in the Policy in recognition of the additional management leave currently provided to the Employee above the management leave provided to other management employees of the City.
- C. Except as otherwise stated in this Section, the Employee is entitled to accrue all unused leave without limit. In the event the Employee's employment is terminated, either voluntarily or involuntarily, the Employee shall be compensated for all Paid Time Off accrued prior to the date of termination. Employee shall not be eligible to receive any cash or retirement credit for unused Medical Leave Bank leave.

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Craig Prosser, City Manager

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Date

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Craig Dirksen, Mayor

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Date

Agenda Item #

Meeting Date

June 12, 2007

## LOCAL CONTRACT REVIEW BOARD AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title: Award of Contract for the Construction of Bull Mountain Road Right-turn Lane Widening

Prepared By: Vannie Nguyen *vn* Dept Head Approval: *TC/jlu* City Mgr Approval: *CP*

### ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the Local Contract Review Board, by motion, approve the contract award for the construction of Bull Mountain Road Right-turn Lane Widening?

### STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board, by motion, approve the contract award to **D&D Concrete & Utilities** in the amount of **\$138,084.00** and authorize an additional amount of \$13,800.00 to be reserved for contingencies and applied if needed as the project goes through construction. The total amount committed to the project is therefore **\$151,884.00**.

### KEY FACTS AND INFORMATION SUMMARY

- The current eastbound lane from Bull Mountain Road to southbound Highway 99W is not wide enough to accommodate truck turning movements and other large-sized vehicles. In addition, the turning radius is substandard, which makes it difficult for vehicles to stay within the lane while maintaining the traveling speeds. The outfall of the storm drain pipe that runs underneath the road is also broken off and is in need of repair.
- This project widens the right-turn lane and repairs the existing storm drain outfall. It also enlarges the curb return radius for safe turning movements.
- On May 8, 2007, Council approved an Intergovernmental Agreement with Washington County for construction management and inspection for the improvements.
- An Access Agreement with a Shell gas station adjacent to the project site and an ODOT permit have been obtained for construction of the improvements.
- The project was advertised for bids on May 15 in the Daily Journal of Commerce and on May 17, 2007 in the Times. A project addendum was issued requiring bidders to comply with ODOT's permit requirements. Bids were opened on May 29, 2007 at 2:00 PM and the bid results are:

D&D Concrete & Utilities	Tualatin, OR	\$138,084.00
S-2 Contractors	Aurora, OR	\$174,339.00
Landis & Landis Construction	Portland, OR	\$186,867.00
CivilWorks NW	Vancouver, WA	\$198,515.50
Kerr Contractors	Woodburn, OR	\$219,771.25
<b>Engineer's Estimate Range</b>		<b>\$145,000 \$175,000</b>

- D&D Concrete & Utilities submitted its bid at approximately 5% less than the Engineer's low estimate. The contractor has verified his bid and assured staff that he would complete the project within the indicated timeframe and the bid amount. The contractor also complies with other bidding requirements specified in the bid documents. Hence, D&D Concrete & Utilities submitted the lowest responsible bid of \$138,084.00. Staff recommends approval of contract award plus an additional amount of \$13,800 to be reserved for contingencies and applied if needed as the project goes through construction.
- Upon Council approval of the contract and after a Notice to Proceed has been issued, D&D Concrete & Utilities will have 50 days to complete the improvements. The construction is anticipated to start the first week of July and is expected to be completed by mid-August.

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#### OTHER ALTERNATIVES CONSIDERED

None

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#### COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

This project supports the Tigard Beyond Tomorrow Transportation and Traffic goals of "Improve Traffic Safety" and "Improve Traffic Flow". The improvements to the right-turn lane will also bring the lane to current standards intended to improve safety and increase capacity.

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#### ATTACHMENT LIST

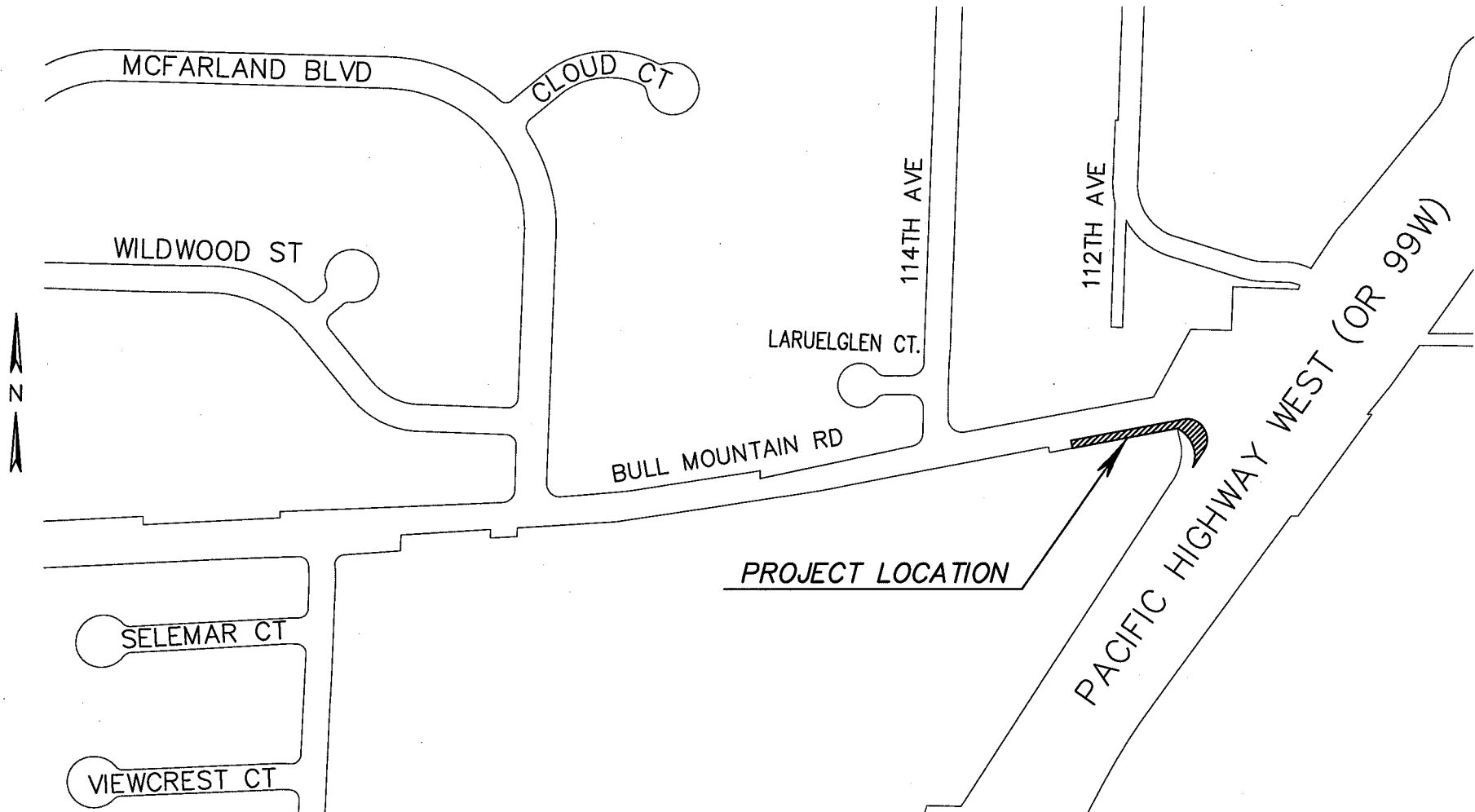
Project location map

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#### FISCAL NOTES

\$240,000 has been included for the FY 2007-08 CIP. This amount is sufficient to award a construction contract of **\$138,084.00** to **D&D Concrete & Utilities** and authorize a contingency amount of \$13,800.00 for the total of **\$151,884.00** to construct the project.

BULL MOUNTAIN ROAD AT PACIFIC HWY WEST (OR 99W)  
RIGHT TURN LANE WIDENING



NO SCALE



Agenda Item #

Meeting Date


June 12, 2007

## COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Consider a Resolution Authorizing the Transfer of \$670,000 from the Parks Capital Fund to the Water Capital Improvement Project Fund in order to Convert the Clute Property from a Water Asset to a Park Asset

Prepared By: Dennis Koellermeier

Dept Head Approval: 

City Mgr Approval: 

### ISSUE BEFORE THE COUNCIL

Shall the City Council approve a resolution which will authorize the transfer of \$670,000 from the Parks Capital Fund to the Water Capital Improvement Project Fund in order to convert the Clute property from a water asset to a park asset?

### STAFF RECOMMENDATION

Approve the resolution.

### KEY FACTS AND INFORMATION SUMMARY

- In 1997, the City purchased the Clute property to provide access to the Menlor Reservoir. The property was purchased as a water asset with water funds.
- Following the purchase, the property was partitioned and an access road created. This road continues to provide access to the reservoir today.
- The remaining portion of the property, 1.36 acres, was declared surplus by the Intergovernmental Water Board (IWB). The IWB recommended the City of Tigard sell this surplus property.
- The surplus property has retained the name of original property and is commonly referred to as the Clute property.
- The Clute property was identified as a potential neighborhood park site by the Park and Recreation Advisory Board in 2005 and was annexed into the City of Tigard in 2007.
- An appraisal of the Clute property was conducted in April of 2007; the property appraised at \$700,000, contingent upon the removal of the existing structures located on the site. The structures are in disrepair and contain hazardous materials. It is estimated they can be removed at a cost of \$30,000, ultimately making the appraised value of the Clute property \$670,000.
- The IWB recently discussed the disposition of the Clute property and concluded it was willing to sell the property to the City of Tigard, at market value, for a future park. The IWB further directed that proceeds from the sale of the property be placed in the Water Capital Improvement Project Fund.

### OTHER ALTERNATIVES CONSIDERED

The Council could decide not to transfer the funds and could provide staff with direction regarding the Clute property and its use as a future park site.

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## CITY COUNCIL GOALS

None

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## ATTACHMENT LIST

Resolution

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## FISCAL NOTES

This resolution, if approved, will transfer \$670,000 from the Parks Capital Fund to the Water Capital Improvement Project Fund. This expense was anticipated, and there is approximately \$1.12 million allocated in FY '06-'07 budget for such purchases.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 07-\_\_\_\_\_

A RESOLUTION AUTHORIZING THE TRANSFER OF \$670,000 FROM PARKS CAPITAL FUND TO THE WATER CAPITAL IMPROVEMENT PROJECT FUND IN ORDER TO CONVERT THE CLUTE PROPERTY FROM A WATER ASSET TO A PARK ASSET

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WHEREAS, in 1997, the City of Tigard purchased the Clute property to provide access to a water capital improvement project known as the Menlor Reservoir; and

WHEREAS, upon completion of the Menlor project, portions of the Clute property were unused; and

WHEREAS, the Intergovernmental Water Board, following City of Tigard surplus property procedures, declared the unused portion of the original Clute parcel surplus and authorized a partition of the property; and

WHEREAS, the surplus property was partitioned and is identified by address as 13230 SW 154<sup>th</sup> Avenue, Tigard, Oregon, and by Tax Lot as 2S105DB06100; and

WHEREAS, the surplus property has yet to be sold; and

WHEREAS, the surplus property was appraised in 2007 for \$700,000, contingent upon the removal of the existing structures located on the site; and

WHEREAS, the structures can be removed at an estimated cost of \$30,000, ultimately making the appraised value of the surplus property \$670,000; and

WHEREAS, the City has recently undertaken a survey of potential park and open space sites and has identified this property as a good location for a future park; and

WHEREAS, the City has decided to convert the use of the Clute property to a park by paying the Water Capital Improvement Fund with money from the Parks Capital Fund; and

WHEREAS, the surplus property was recently annexed into the City of Tigard with the intent of a developing a future park.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Council authorizes the transfer of \$670,000 from the FY '06-'07 Parks Capital Fund to the Water Capital Improvement Project Fund in order to convert the Clute property from a water asset to a park asset.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2007.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

Agenda Item #

Meeting Date

June 12, 2007

## COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Entertainment Oriented Use Code Amendment (DCA2007-00001) to allow Major Event Entertainment in residential zones on public school sites.

Prepared By: Cheryl Caines Dept Head Approval: TC City Mgr Approval: CR

### ISSUE BEFORE THE COUNCIL

Should the Council approve a Development Code Amendment to amend the Tigard Development Code Chapters 18.510 and 18.330 to allow Major Event Entertainment as a conditional use on public school sites in residential zones? The Broadway Rose Theatre will be applying for a Conditional Use Permit at the C. F. Tigard Elementary site if this amendment is approved. The Broadway Rose is requesting that the ordinance become effective immediately in order to have the opportunity to be open for the fall 2007 season. The Conditional Use Permit must also be considered if the code amendment is approved. Council policy has been not to adopt land use related ordinances through the emergency process.

### STAFF RECOMMENDATION

Staff recommends approving the requested Development Code Amendment as recommended by the Planning Commission. The Planning Commission recommendation does not include the optional language to limit the use to only the Tigard High and C. F. Tigard Elementary sites.

### KEY FACTS AND INFORMATION SUMMARY

To encourage growth of cultural activities, the City Council directed staff to prepare language to amend the Tigard Development Code to allow the Broadway Rose to operate at the C. F. Tigard Elementary School. Major Event Entertainment is the use classification that fits the proposal. These uses are currently only permitted within certain commercial zones as a conditional use. The key concern is maintaining the livability of residential neighborhoods while allowing this more commercial use.

The proposed amendment would modify the Conditional Use Chapter (18.330) and the Residential Zoning Districts Chapter (18.510). Proposed additional standards for Major Event Entertainment uses in the Conditional Use chapter include requiring non-school related activities to meet off-street parking requirements, limiting the uses to existing buildings of at least 10,000 square feet and allowing additions up to 50% of the original square footage.

No written comments were given, but Staff did receive several phone calls about the amendment during and after the formal comment period. One caller was in favor of the amendment. Others had concerns about how the future approved uses would affect neighborhood livability. It seemed that most of these issues had to do with events already happening on the Tigard High School site such as athletic events and the Fourth of July celebration. Some callers wanted to know how the schools were benefiting by allowing the uses on their sites. Many of these inquiries were beyond the scope of this amendment, but do re-iterate how much activities on school sites can impact neighboring residents.

On May 7, 2007 Planning Commission held a public hearing to discuss the merits of the request. Two people spoke in favor of the amendment. Sharon Maroney with the Broadway Rose wanted to answer questions about the agreements between the school district and the potential lessees. The other proponent was a neighbor of Tigard High School who enjoys attending Broadway Rose shows in the summer. One speaker was neither for nor against, but had questions about what the City/school district is getting for the use of public facilities.

Some of the Commissioners were concerned about overlapping uses on a particular date that would further impact the neighbors. One commissioner who had worked for the school district stated that the schools prioritize activities. Discussion also included how the required Conditional Use process would allow for further restrictions on the individual uses. A motion to approve the amendment as presented passed 8-0.

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#### OTHER ALTERNATIVES CONSIDERED

- ♦ Limiting the uses to only two sites, Tigard High School and C. F. Tigard Elementary School.

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#### CITY COUNCIL GOALS

The 2007 City Council Goals are not impacted by this amendment.

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#### ATTACHMENT LIST

- Attachment 1: Ordinance  
Attachment 2: "Draft" Planning Commission Meeting Minutes May 7, 2007  
Attachment 3: Staff Report to the Planning Commission dated April 27, 2007

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#### FISCAL NOTES

There is no fiscal impact anticipated for this action.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 07-\_\_\_\_\_

AN ORDINANCE AMENDING THE TIGARD COMMUNITY DEVELOPMENT CODE (DCA2007-00001) CHAPTERS 18.330 - CONDITIONAL USE AND 18.510 - RESIDENTIAL ZONING DISTRICTS, SPECIFICALLY TO ALLOW MAJOR EVENT ENTERTAINMENT AS A CONDITIONAL USE ON PUBLIC SCHOOL SITES WITHIN ALL RESIDENTIAL ZONES AND ADD ADDITIONAL DEVELOPMENT STANDARDS FOR THE USE AND DECLARING AN EMERGENCY.

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WHEREAS, the Tigard City Council directed Staff to prepare a Development Code Amendment to allow Major Event Entertainment uses such as community theatre on school sites; and

WHEREAS, these uses may have adverse impacts on residential areas and it is therefore necessary to require a Conditional Use permit and additional limitations on school sites; and

WHEREAS, notice was provided to the Department of Land Conservation and Development 45 days prior to the first scheduled public hearing; and

WHEREAS, the Tigard Planning Commission held a public hearing on May 7, 2007, and recommended approval of the proposed amendment with a 8-0 vote; and

WHEREAS, notice of the public hearings was published in the Tigard Times Newspaper at least 10 business days prior to the public hearings; and

WHEREAS, the Tigard City Council finds that the individual Major Event Entertainment uses can be further restricted through the Conditional Use process in order to protect livability of residential neighborhoods, while providing cultural opportunities for the citizens of Tigard that may not otherwise be available; and

WHEREAS, the Tigard City Council has considered applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the City Council has found the following to be the applicable review criteria: Community Development Code Chapters 18.330, 18.380, 18.390 and 18.510; Comprehensive Plan Policies 1, 2 and 6; The Metro Urban Growth Management Plan Titles 1, 8 and 12; Metro Regional Framework Plan Policies 1.14 and 8.3; and Statewide Planning Goals 1, 2 and 10; and

WHEREAS, the Tigard City Council held a public hearing on June 12, 2007 to consider the proposed amendments; and

WHEREAS, the Tigard City Council has determined that the proposed development code amendment is consistent with the applicable review criteria, and that approving the request would be in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The specific text amendments attached as "EXHIBIT A" to this Ordinance are hereby adopted and approved by the City Council.

SECTION 2: In order to encourage the timely development of cultural activities an emergency is declared and this ordinance shall take effect upon passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Craig Dirksen, Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date



CITY OF TIGARD  
PLANNING COMMISSION  
Meeting Minutes  
May 7, 2007

DRAFT

1. CALL TO ORDER

President Inman called the meeting to order at 7:03 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

2. ROLL CALL

Commissioners Present: President Inman; Commissioners Anderson, Caffall, Doherty, Hasman, Muldoon, Vermilyea, and Walsh

Commissioners Absent: Commissioner Fishel

Staff Present: Dick Bewersdorff, Planning Manager; Gary Pagenstecher, Associate Planner; Cheryl Caines, Assistant Planner; Kim McMillan, Development Review Engineer; Jerree Lewis, Planning Commission Secretary

3. PLANNING COMMISSION COMMUNICATIONS AND COMMITTEE REPORTS

Commissioner Caffall reported on the Committee for Citizen Involvement. They met with a representative from the Oregonian to discuss how communities like Tigard get information into the Southwest section of the paper. They also discussed the Pacific Islander group. There is an outreach program to other advocate groups. The CCI would like to incorporate them into the CCI or at least meet with them on a monthly or quarterly basis.

Commissioner Caffall also reported that the Citizen Advisory Committee met to discuss the 99W Corridor. They will send their comments to City Council saying that they are not in favor of expanding 99W into 7 lanes.

Commissioner Walsh advised that the Tree Board met to review the renewed charge statement that was accepted by Council. Ron Bunch reviewed the framework with the Board and started laying out the Municipal Code and how it would work with the Comprehensive Plan. Staff will return with an outline detailing the process. The Board will meet twice a month for awhile to move the project along.

4. APPROVE MEETING MINUTES

It was moved and seconded to approve the April 16, 2007 meeting minutes as submitted. The motion passed by a vote of 6-0. Commissioners Inman and Vermilyea abstained.

## 5. PUBLIC HEARINGS

### 5.1 DEVELOPMENT CODE AMENDMENT (DCA) 2007-00001 ENTERTAINMENT-ORIENTED USE CODE AMENDMENT

**REQUEST:** A Development Code Amendment to amend the Residential Zoning Districts Chapter (18.510) and Conditional Use Chapter (18.330) of the Tigard Development Code. The proposed amendment would allow Major Event Entertainment (athletic, cultural or entertainment events, such as Broadway Rose Community Theatre) as a conditional use on public school sites within residential zones. **LOCATION:** Citywide. **ZONE:** All Residential Zones. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.330, 18.380, 18.390 and 18.510; Comprehensive Plan Policies 1, 2 and 6; The Metro Urban Growth Management Plan Titles 1, 8 and 12; Metro Regional Framework Plan Policies 1.14 and 8.3; and Statewide Planning Goals 1, 2, and 10.

#### STAFF REPORT

Assistant Planner Cheryl Caines provided details of the proposed amendment. The amendment would modify the current code to allow major event entertainment uses in residential zones only on public school sites. Currently, there are 9 public school sites within the City of Tigard.

This amendment was brought about by a request from the Broadway Rose Theatre. They would like to use the cafetorium at the C.F. Tigard Elementary School for small-size performances. Caines advised that the amendment would not be limited to Broadway Rose. It would include any use that falls under the Major Event Entertainment classification in the code.

Prior to going into any of the school sites, an applicant would have to apply for a Conditional Use Permit which requires a second public hearing that would be heard before the Hearings Officer. Through that process, further restrictions could be placed on the specific use (e.g., limiting the hours of operation).

Currently, major entertainment uses are only permitted within certain commercial zones as a Conditional Use. Allowing major entertainment event uses on school sites could create new uses for under-utilized buildings. These uses may have undesirable impacts on surrounding areas. To alleviate some of these possible problems, Caines reviewed new restrictions that staff has proposed in the Conditional Use code section. She also referred to optional code language for the Planning Commission's consideration to permit these uses only at the Tigard High School and C.F. Tigard Elementary School sites.

Considering the new restrictions, Caines advised that staff is recommending approval of the code amendment.

Caines clarified that applicants would have to obtain a standing Conditional Use Permit through the Hearings Officer. The amendment does not restrict school-related uses. If an event is not for the benefit of the school, the applicant would have to obtain a Conditional Use Permit. Issues such as parking and hours of operation would be addressed during this process.

Caines advised that major event uses are held in auditoriums, stadiums, convention centers, or race tracks and they provide athletic, cultural, or entertainment events or exhibits for large groups. She noted that event schedules are not monitored by the City.

Caines said that applicants have to use existing buildings for events. To allow for flexibility, they will be allowed the option of expanding the existing building by a maximum of 50%.

### **PUBLIC TESTIMONY - IN FAVOR**

Sharon Marony, 14070 SW Hall Blvd., Tigard, OR 97224, artistic director of the Broadway Rose Theatre Company, testified that they are working with the School District to renovate the C.F. Tigard multi-purpose room. They will be able to seat about 260 people in that particular facility. They will still perform at Deb Fennell Auditorium (a 600 seat facility) in the summer. The school will be able to use the facility Mondays-Thursdays from 7:00 a.m. to 4:00 p.m.

Marony advised that the parking lot will be extended around the building and they will add 100 more parking spaces.

Sondra Carroll, 11330 SW 97<sup>th</sup> Court, Tigard, OR 97223, said she is neither for nor against the proposal. With impacts to City facilities and streets, she wonders if any money will come back to the City. She would like to see a return to the City. President Inman said that the School District and the private enterprise will work out those details. It was noted that Broadway Rose will be putting a great deal of capital improvement into the school building and the parking lot.

Greg Sorenson, 16260 SW Copper Creek Dr., Tigard, OR 97224, testified that he enjoys Broadway Rose in the summer and believes it adds to the neighborhood and the City. He noted that schools charge for using their facilities. He does not believe that the School District will be taken advantage of in this situation. He speaks very highly in favor of allowing this use.

### **PUBLIC TESTIMONY - IN OPPOSITION**

None

### **PUBLIC HEARING CLOSED**

The Commissioners discussed possible scheduling conflicts for different events. Commissioner Vermilyea said he doesn't see how that would relate to the land use decision. Commissioner Doherty advised that every school district has a building use policy that governs all groups using a school facility. She noted that school activities get the first nod for building use.

President Inman asked the Commissioners how they felt about alternative code language to limit the school site or limit the use. Since applicants have to apply for a Conditional Use Permit and additional conditions could be placed at that time, Commissioner Walsh believes it is a sufficient element of control.

Commissioner Doherty brought up the issue of parking. She noted that it doesn't matter what event is going on at the high school, there are always cars parked on the street all around the school. She understands the concerns about parking, but believes it's one of the things you have to live with when you live close to a high school. She would like to see more enforcement of parking in front of mail boxes and fire hydrants.

Commissioner Muldoon asked if other Commissioners saw any need for restrictions in the language. It was recommended to leave the language as is. The Hearings Officer can look at the circumstances and make a decision based on the individual Conditional Use applications.

Commissioner Walsh moved that the Planning Commission make a recommendation to amend Chapters 18.510 Residential Zoning Districts and 18.330 Conditional Use of the Tigard Development Code to allow Major Event Entertainment as a conditional use on public school sites within all residential zones, as proposed. Commissioner Vermilyea seconded the motion. The motion passed unanimously.

## **5.2 SUBDIVISION (SUB) 2006-00011/PLANNED DEVELOPMENT REVIEW (PDR) 2006-00002/SENSITIVE LANDS REVIEW (SLR) 2006-00011 FERN HOLLOW SUBDIVISION**

**REQUEST:** The applicant requests approval of a 7-lot Subdivision and Planned Development (PD) on 1.59 acres. The lots are proposed to be developed with detached single-family homes. Lot sizes within the development are proposed to be between 3,496 and 5,964 square feet. Sensitive Lands Review is required for slopes greater than 25%.

**LOCATION:** The project is located south of SW Durham Road at the terminus of SW Copper Creek Drive; WCTM 2S114BA, Tax Lot 15300. **ZONING/COMPREHENSIVE PLAN DESIGNATIONS:** R-4.5: Low-Density Residential District. The R-4.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 7,500 square feet. Duplexes and attached single-family units are permitted conditionally. Some civic and institutional uses are also permitted conditionally. R-7: Medium-Density Residential District. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and

Agenda Item: 5.1

Hearing Date: May 7, 2007 Time: 7:00 PM

**STAFF REPORT TO THE  
PLANNING COMMISSION  
FOR THE CITY OF TIGARD, OREGON**

**SECTION I. APPLICATION SUMMARY**

**CASE NAME:** CODE AMENDMENT TO ALLOW MAJOR EVENT ENTERTAINMENT  
USES IN RESIDENTIAL ZONES ON PUBLIC SCHOOL SITES

**CASE NO.:** Development Code Amendment (DCA) DCA2007-00001

**PROPOSAL:** To amend Chapters 18.510 (Residential Zoning Districts) and 18.330 (Conditional Uses) of the Tigard Development Code to allow Major Event Entertainment as a conditional use on public school sites within all residential zones.

**APPLICANT:** City of Tigard  
13125 SW Hall Blvd.  
Tigard, OR 97223

**ZONE:** All Residential Zones.

**LOCATION:** Citywide.

**APPLICABLE  
REVIEW**

**CRITERIA:** Tigard Community Development Code Chapters 18.330, 18.380, 18.390, and 18.510; Tigard Comprehensive Plan Policies 1, 2, and 6; The Metro Urban Growth Management Plan Titles 1, 8, and 12; Metro Regional Framework Plan Policies 1.14 and 8.3; and Statewide Planning Goals 1, 2, and 10.

**SECTION II. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission find in favor to amend the Residential Zoning District regulations as proposed, with any alterations as determined through the public hearing process and make a final recommendation to the Tigard City Council.

### **SECTION III. BACKGROUND INFORMATION**

The proposal is to amend the residential zoning districts code to permit Major Event Entertainment uses on public school sites as a Conditional Use. The City Council directed staff to prepare a proposed amendment in response to a request by the Broadway Rose Theatre group to utilize the auditorium building at the C.F. Tigard Elementary School. The Broadway Rose use falls under the land use category Major Event Entertainment. Similar activities that have been previously held at Tigard High School would also be clarified as permitted under this amendment.

Currently these types of uses are only permitted within the General Commercial (C-G), Central Business District (CBD), Mixed Use Commercial (MUC), Mixed Use Commercial – 1 (MUC-1) zones as a Conditional Use. There are nine public school sites currently within the Tigard city limits. All are within residential zones. The City's residential zoning districts code does not permit Major Event Entertainment uses. This amendment proposes that the use be allowed in all residential zones, but also gives the option to limit the use to only the Tigard High and C.F. Tigard Elementary sites.

The Tigard Comprehensive Plan states that the City shall encourage the use of schools as an integral part of the community. Allowing some entertainment uses on school sites, including those for cultural events, provides opportunities for residents to experience a wide range of activities close to home. In addition, the school district can enter into agreements for these types of uses, to allow the use of existing facilities that may be currently underutilized.

### **ISSUE SUMMARY**

- ◆ This amendment was initiated by City Council upon request by the Broadway Rose Theatre Company.
- ◆ Theater activities can be cultural experiences and can allow more utilization of school facilities.
- ◆ Theater activities in residential zones may have undesirable impacts upon the surrounding area.
- ◆ Imposed conditions of approval for Conditional Uses may or may not reduce these adverse impacts.

### **SECTION IV. SUMMARY OF APPLICABLE CRITERIA**

Chapter 18.380 states that legislative text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.

Chapter 18.390.060G states that the recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:

- ◆ The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;

Forty-five day advance notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on March 23, 2007, 45 days prior to the first scheduled public hearing as required. In addition, the Tigard Development Code (TCD) and Comprehensive Plan have been acknowledged by DLCD. The following are the applicable Statewide Planning Goals that are applicable to this proposal:

#### **Statewide Planning Goal 1 – Citizen Involvement:**

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and for changes to the Comprehensive Plan and implementing documents. This goal has been met by complying with the Tigard Development Code notice requirements set forth in Chapter 18.390. Notice has been published in the

Tigard Times Newspaper prior to the public hearing. In addition a notice was mailed to all property owners within 500 feet of all school sites to ensure notice of potential property impacts.

### **Statewide Planning Goal 2 – Land Use Planning:**

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals. The Development Code implements the Comprehensive Plan. The Development Code establishes a process for, and policies to review changes to the Development Code consistent with Goal 2. The City's plan provides analysis and policies with which to evaluate a request for amending the Code consistent with Goal 2.

### **Statewide Planning Goal 10 – Housing**

This goal outlines provisions to insure state housing needs are met. The Tigard Development Code allows schools within residential zones as a conditional use, which is consistent with the Comprehensive Plan. The Major Event Entertainment uses will only be allowed within existing buildings on school sites. These school sites are not used for housing.

- ♦ Any applicable Metro regulations;

### **Metro Urban Growth Management Plan**

#### **Title 1 – Requirements for Housing and Employment**

Accommodation of this section of the Functional Plan facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment that serves as their baseline and if a city or county chooses to reduce capacity in one location, it must transfer that capacity to another location. Cities and counties must report changes in capacity annually to Metro. This amendment allows Major Event Entertainment uses only on public school sites. These sites are not used for residential homes. This text amendment does not reduce the City's housing capacity.

#### **Title 8 – Compliance Procedures**

This title ensures that all cities and counties in the region are fairly and equitably held to the same standards and that the Metro 2040 Growth Concept is implemented. It sets out compliance procedures and establishes a process for time extensions and exemptions to Metro Code requirements. This title is not applicable.

#### **Title 12 – Protection of Residential Neighborhood**

The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services. In particular the title addresses making public schools more accessible to neighborhood residents through walking/biking paths and transient facilities. Adding a major event entertainment use to public school sites will not hinder accessibility from neighboring residences. It could, however, create unanticipated impacts for traffic and congestion at hours that might not be typically associated with school uses.

## **Metro Regional Framework Plan**

### **Policy 1.14 School and Local Government Plan and Policy Coordination**

**1.14.1:** Coordinate plans among local governments, including cities, counties, special districts and school districts for adequate school facilities for already developed and urbanizing areas.

**1.14.2:** Consider school facilities to be “public facilities” in the review of city and county comprehensive plans for compliance with the Regional Framework Plan.

### **Policy 8.3 Schools**

**8.3.8:** Encourage local jurisdictions to partner (including funding) with school districts to jointly use school sites for the public good (such as combined libraries, parks, connections with local services such as police, neighborhood centers, senior centers, etc.).

These policies have been addressed by the implementation strategies of the Tigard Comprehensive Plan. One of these implementation strategies is to encourage the use of schools as an integral part of the community by making joint agreements with the school districts to allow community uses of school facilities for recreation, open space and meeting rooms. By allowing some entertainment events it could be said that this strategy is being implemented. These uses can operate within existing school facilities that may be underutilized and provide cultural/entertainment opportunities to the Tigard community that may not be available without these joint agreements. Major Event Entertainment uses on school sites will not adversely affect coordination between local governments and the school districts to insure adequate school facilities are being provided. Roy Burling, Chief Financial Officer with the Tigard-Tualatin School District confirmed that the lease agreements for such uses would be short or mid-term in order to accommodate any change in school capacity needs.

#### **♦ Applicable Comprehensive Plan Policies:**

#### **Comprehensive Plan Policy 1.1.1: General Policies**

The city shall ensure that:

- A.** This comprehensive plan and all future legislative changes are consistent with the statewide planning goals adopted by the land conservation and development commission, the regional plan adopted by the metropolitan service district;
- B.** Any neighborhood planning organization plans and implementation measures adopted by the City of Tigard after the effective date of this comprehensive plan are designed to be consistent with this plan; and
- C.** The Tigard Comprehensive Plan and Community Development Code are kept current with the needs of the community. In order to do this:
  - 1.** This plan shall be reviewed and updated at least every five years.

As indicated above under the individual Statewide and Regional Plan goals applicable to this proposed amendment, the amendment is consistent with the Statewide Goals and the Regional Plan.

#### **Comprehensive Plan Policy 2.1.1, 2.1.2 and 2.1.3: Citizen Involvement**

**2.1.1 :** The city shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process.



2.1.2: The opportunities for citizen involvement provided by the city shall be appropriate to the scale of the planning effort and shall involve a broad cross-section of the community: The citizen involvement teams shall be the primary means for carrying out the program;

2.1.3: The city shall ensure that information on land use planning issues is available in an understandable form for all interested citizens.

This policy is satisfied because notice of the proposed amendment was mailed to all property owners within 500 feet of all public schools within the city limits of Tigard. In addition, notice of the public hearing was published in the Tigard Times and notice will be published again prior to the City Council public hearing. Public input has been invited in the notice.

### **Comprehensive Policy 6.6.1: Housing**

#### **6.6.1: The city shall require:**

A. Buffering between different types of land uses (for example between single family residential and multiple family residential, and residential and commercial uses, and residential and industrial uses) and the following factors shall be considered in determining the type and extent of the required buffer:

1. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust or to provide a visual barrier;
2. The size of the buffer needed in terms of width and height to achieve the purpose;
3. The direction(s) from which buffering is needed;
4. The required density of the buffering; and
5. Whether the viewer is stationary or mobile. Vol. II, policy 6-5

B. On-site screening of such things as service areas and facilities, storage areas and parking lots, and the following factors, shall be considered in determining the type and extent of the screening:

1. What needs to be screened;
2. The direction from which it is needed;
3. How dense the screen needs to be; and
4. Whether the viewer is stationary or mobile.
5. Whether the screening needs to be year round.

Policy 6.6.1 requires buffering between different types of land uses. The Tigard Development Code does not require a buffer between schools and residential homes, but buffers are required between residential and commercial uses. Major Event Entertainment is listed under commercial uses in the TDC. These required buffers range from a 20-foot landscape buffer with a 6-foot evergreen hedge to a 10-foot landscape buffer with a 6-foot solid wall. In addition, Major Event Entertainment uses can only be located on sites of at least two acres and setbacks are increased to provide an additional buffer for surrounding properties. These setbacks are as follows:

Front	30 feet
Corner Street	25 feet
Side	25 feet
Rear	30 feet

Setbacks are increased five feet for every 10 feet of building height over 45 feet.

- ♦ Any applicable provision of the City's implementing ordinances.

#### **Code Section 18.330 Conditional Use:**

This section of the code provides standards and procedures under which a conditional use may be permitted, enlarged or altered. The amendment outlines additional standards for Major Event Entertainment uses on public school sites. Because schools are generally located within or near residential zoning districts, additional requirements have been introduced to restrict the size of buildings for these uses on school sites. The new code language proposes that the uses only be allowed within existing buildings of at least 10,000 square feet. Additions are limited to only 50% of the original square footage size. The Conditional Use process allows for public input regarding the compatibility of the proposed use and potential conditions of approval.

#### **Code Section 18.380 Zoning Map and Text Amendments:**

This section regulates amendments. It outlines the process for reviewing Development Code Text Amendments. The present amendment will be reviewed under the Type IV legislative procedure as set forth in the chapter. This procedure requires public hearings by both the Planning Commission and City Council.

#### **Code Section 18.390 Decision-Making Procedures:**

This chapter establishes standard decision-making procedures for reviewing applications. The amendment under consideration will be reviewed under the Type IV legislative procedure as detailed in the chapter.

#### **Code Section 18.510 Residential Zoning Districts:**

This chapter establishes procedures and criteria for development within residential zoning districts. The purposes of these regulations are:

1. Preserve neighborhood livability. One of the major purposes of the regulations governing development in residential zoning districts is to protect the livability of existing and future residential neighborhoods, by encouraging primarily residential development with compatible non-residential development -- schools, churches, parks and recreation facilities, day care centers, neighborhood commercial uses and other services -- at appropriate locations and at an appropriate scale; and
2. Encourage construction of affordable housing. Another purpose of these regulations is to create the environment in which construction of a full range of owner-occupied and rental housing at affordable prices is encouraged. This can be accomplished by providing residential zoning districts of varying densities and developing flexible design and development standards to encourage innovation and reduce housing costs.

The proposed amendment includes provisions to protect the residences surrounding the school sites by requiring that the buildings meet setbacks which are much wider than those typically met in residential zones. The minimum setbacks for buildings with an entertainment use are either 25 or 30 feet. The use is also restricted to only existing buildings of at least 10,000 square feet. Expansions are limited to 50% of the original square footage. In addition, the TDC requires landscape buffering between the entertainment uses and residential uses.

In contrast, Major Event Entertainment uses are presently only permitted as a conditional use within commercial zones that allow a wide range of commercial uses. Many of these uses serve not only Tigard, but the communities beyond and typically have higher traffic volumes. It seems reasonable that because Major Event Entertainment uses may attract a large number of visitors and there may be noise or traffic associated with these uses. These uses are typically limited to the more dense commercial areas to accommodate these factors. Staff can see the benefits of allowing certain types of community-oriented or cultural activities within residential zones, but is also concerned that these uses may have an adverse impact on livability.

DCA2007-00001  
ENTERTAINMENT – ORIENTED USE CODE AMENDMENT  
April 2007

**Explanation of Formatting**

These text amendments employ the following formatting:

**[Bold, Underline and Italic]** – Text to be added

Proposed code language is as follows:

TABLE 18.510.1  
USE TABLE

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
Schools	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>

<sup>13</sup>Permitted as a conditional use on public school sites.

**CHAPTER 18.330  
CONDITIONAL USE**

**13. Major Event Entertainment:**

a. The minimum lot size shall be two acres;

b. Setbacks:

(1) The front yard setback shall be a minimum of 30 feet;

(2) On corner lots and through lots, the setback shall be a minimum of 25 feet on any side facing a street, plus meets visual clearance areas, Chapter 18.795;

(3) The side yard setback shall be a minimum of 25 feet;

(4) The rear yard setback shall be a minimum of 30 feet; and

(5) Each setback shall be increased five feet for every 10 feet of building height over 45 feet.

c. With regard to off-street parking: Exempt, if constructed with a school use for school activities only. Otherwise, requirements shall comply with Section 18.765;

d. On school sites the use must be entirely within existing buildings of 10,000 square feet or greater. Expansions based on the original square footage, up to a maximum of 50% may be allowed.

Optional code language:

e. These uses are only permitted at the Tigard High School and the C.F. Tigard Elementary School sites.

## **SECTION V. STAFF ANALYSIS**

Restrictions on usage within the residential zones are an important aspect of ensuring neighborhood quality is preserved. Although the primary use in such zones is residential, certain compatible non-residential uses are allowed. The City needs to balance these types of uses, and may do so through restrictions on placement, size, screening and buffering of the non-residential development.

Restrictions, such as limiting hours, time, place and/or manner of operation, increased setbacks, and limits on building location can be placed on specific entertainment uses through the Conditional Use process. In addition with this code amendment, the entertainment use would only be allowed within existing buildings of 10,000 square feet or more. Additions up to 50% of the building's original square footage may be permitted. Any specific entertainment use must be approved through a Type III Conditional Use process that includes a public hearing. Additions or other site changes would require either a minor or major modification to the approved conditional use depending on the specific changes proposed.

The potential negative impacts of allowing these types of events include noise from the events and traffic to and from the site. Noise impacts can be lessened by only permitting these uses within enclosed buildings. Traffic congestion within residential areas can be limited by only allowing specific access points to be utilized for events. Although limiting the access allows some control, the traffic to and from the site cannot be eliminated. The Community Development Code lists additional conditions of approval that can be imposed by the hearing body when specific uses are approved. The hearing body can take into consideration the details of the proposed use and the surrounding neighborhoods and appropriately restrict the development.

Phone calls were received from neighbors of a few school sites. One caller was in favor of the code amendment. Two others had questions about the proposal. Does this proposal mean there will be lights installed on the athletic fields so games can be played later at night? Is the school benefiting somehow by allowing these types of uses? If not, then the caller is opposed to the code amendment. The proposed code amendment does not address specifics such as lights for athletic fields. It is only to allow Major Event Entertainment uses on public school sites as a Conditional Use. As for the benefits to the school district, the Development Code cannot regulate agreements between private parties.

A fourth phone call was received from a neighbor of the Tigard High School who is apprehensive about the allowance of such entertainment uses within a residential neighborhood and fears that the livability will be adversely affected. He understands that school activities will happen during the week and on some weekends, but also enjoys the fact that there is typically no activity on weekends. This sort of issue is why staff has concern whether such an intense use should be allowed within residential zones. The Planning Commission and Council will determine whether the proposed amendment strikes the proper balance between residential and non-residential uses or if the proposed amendment should be further modified or even denied.

## SECTION VI. OTHER ALTERNATIVES

No Action – The code would remain unchanged, and Major Event Entertainment would continue to be prohibited in residential zones.

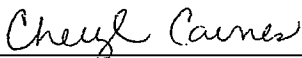
Expanded Action – Allow Major Event Entertainment on public school sites within residential zones with no additional restrictions. Only the existing additional standards found in TDC 18.330.050.B.13 would apply.

Alternate Actions – Further restrict the maximum building size or allow enclosed buildings only. Allow only certain types of events like Community Theatre.

## SECTION VII. ADDITIONAL CITY STAFF & OUTSIDE AGENCY COMMENTS

The City of Tigard Police Department, Building Division, Long Range Planning Division and the Current Planning Code Enforcement Officer were given copies of the proposed code amendment. Only Code Enforcement responded and the comments have been considered.

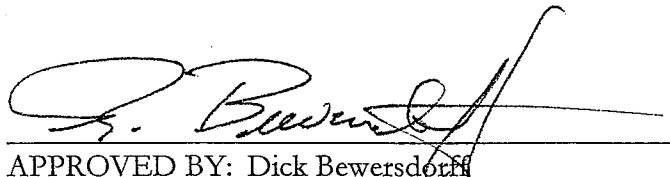
The City of Tigard Engineering Department, Tualatin Valley Fire and Rescue, Clean Water Services (CWS), and the Oregon Department of Land Conservation and Development (DLCD) were notified of the proposed amendment. Stacey Humphrey with DLCD called to ask a few questions about the proposed language. Because the use is proposed within residential zones, she recommended placing limits on the hours of operation. Hours of operation can be imposed as a condition of approval through the Conditional Use Process (TDC 18.330.030.B).



PREPARED BY: Cheryl Caines  
Assistant Planner

April 27, 2007

DATE









APPROVED BY: Dick Bewersdorff  
Planning Manager

April 27, 2007

DATE

# Public School Locations

## City of Tigard Oregon

-  School
-  School Property
-  Major Street
-  Street
-  Railroad
-  City of Tigard

\*\* The information represented on this map is current as of April 27, 2007. Revisions will be made as new decisions or amendments occur to alter the content of the map.

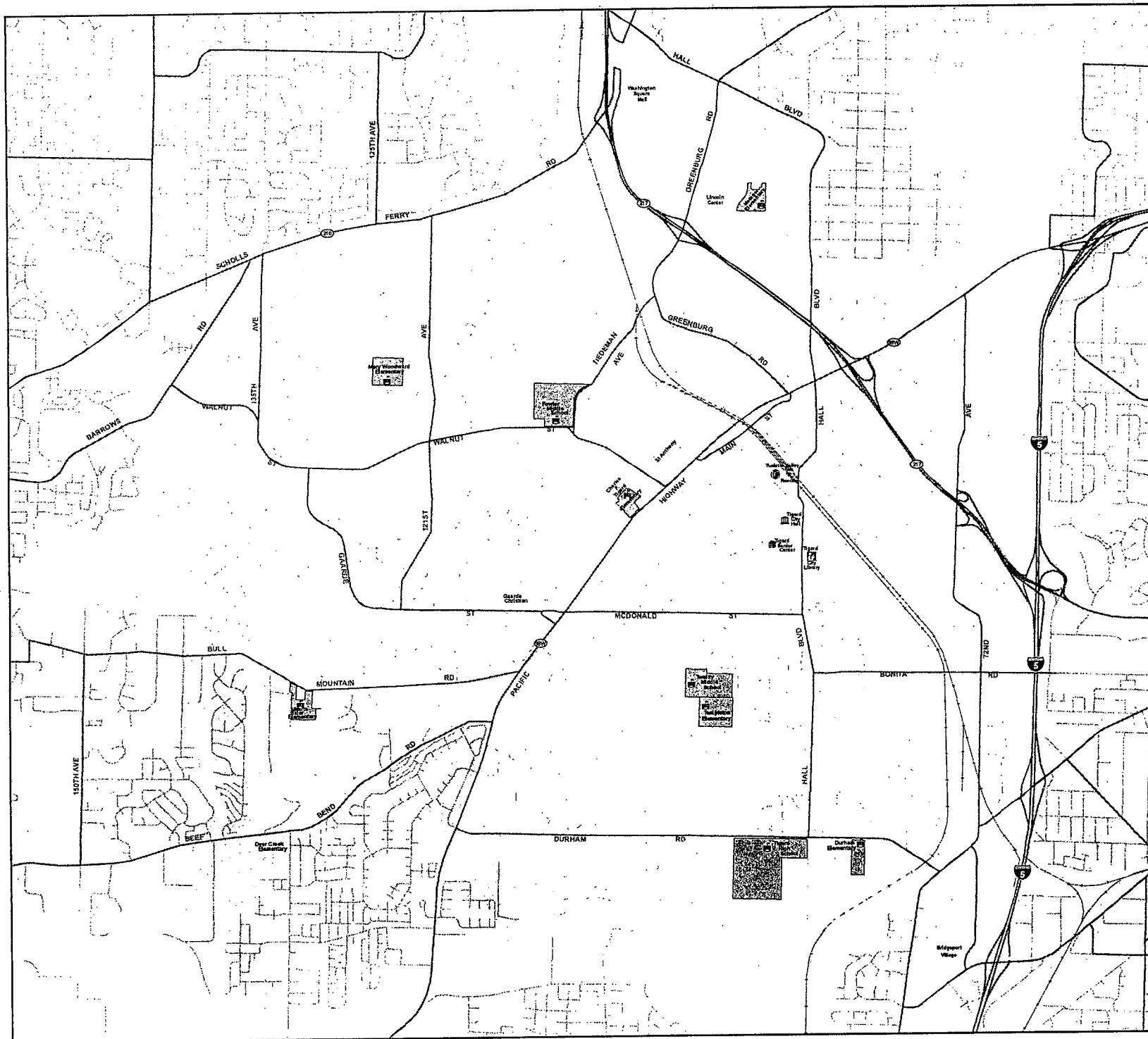


0 0.1 0.2 0.4 0.6 0.8  
Miles

Source: City of Tigard  
Map Data: Various Sources  
Map Design: City of Tigard  
Map Date: April 2007

This map was derived from several databases. The City cannot accept responsibility for any errors. Therefore, there are no warranties for this product. However, any use of this map is at the user's risk.

11125 SW 164th Blvd Tigard, OR 97223 503-639-4171  
<http://www.tigard-or.gov>



Agenda Item #

Meeting Date

6/12/2007

## COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title ZCA2007-00002 Goodlett Annexation

Prepared By: Emily Eng

Dept Head Approval: TC/ju

City Mgr Approval: CF

### ISSUE BEFORE THE COUNCIL

Shall City Council approve annexation of 1.74 acres of land (Zone Change Annexation - ZCA2007-00002) on the south side of SW Bull Mountain Road, just west of the Thornwood subdivision near SW 128<sup>th</sup> Avenue?

The proposed territory is contiguous to Tigard's City limits and can be served by urban services.

### STAFF RECOMMENDATION

Staff recommends adopting the proposed ordinance annexing the subject territory to the City of Tigard.

### KEY FACTS AND INFORMATION SUMMARY

The 1.64-acre subject property is located on the south side of SW Bull Mountain Road, adjacent to the east side of the Thornwood subdivision near SW 128th Avenue. The property is mostly flat, sloping up about 8% before it flattens and then sloping down about 9%. There are no Significant Habitat Areas on the subject property per the City's adopted map. The existing house was built in 1952.

Goodlett Marshall Building and Development Company purchased the property in January 2007. Mike Goodlett, owner of the company, initiated the annexation request. There are no registered voters on the property. The City invited the owner of the one adjoining property to join the annexation, but did not receive a response.

The applicant requests approval of annexation of one parcel (1.64 acres) and right-of-way on SW Bull Mountain Road containing a total of 1.74 acres to the City of Tigard. Staff found all right-of-way on the portion of SW Bull Mountain Road adjacent to the subject property to be already within the City limits. While annexing the right-of-way is not necessary and the applicant has provided a legal description and map that overdescribes the proposed annexation area, Washington County has indicated an overdescription is acceptable.

The owner plans to divide the parcel into 10 lots for single-family homes. If the annexation is approved, the owner would be required to apply for land use approval for the proposed subdivision. The subdivision would be required to extend the existing street connection (SW Winterview Drive) in the neighboring Thornwood subdivision to the west.

#### Key findings:

1. The proposed territory is contiguous to Tigard's City limits;
2. Urban services are available to serve the proposed territory;
3. The sole owner of land in the proposed territory has consented to the annexation;

4. The proposed territory is within Tigard's Urban Growth Boundary and Metro's Urban Growth Boundary; and
5. The proposed territory is within Tigard's Urban Service Area and Area of Interest.

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#### **OTHER ALTERNATIVES CONSIDERED**

Adopting findings to deny the annexation.

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#### **CITY COUNCIL GOALS**

Growth and Growth Management, Goal #2: Urban services will be provided to all citizens within Tigard's urban growth boundary.

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#### **ATTACHMENT LIST**

- Attachment 1: Proposed Ordinance
  - Exhibit A: Legal Description
  - Exhibit B: Tax Map
  - Exhibit C: Applicant's Petition to Annex
  - Exhibit D: Staff Report

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#### **FISCAL NOTES**

If approved, the proposed annexation territory would be transferred to the City's tax roll on July 1, 2008. Annexations must be final by March 31 of the same calendar year for the tax year beginning July 1.



CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 2007- \_\_\_\_\_

AN ORDINANCE ANNEXING 1.74 ACRES, APPROVING THE GOODLETT ANNEXATION (ZCA2006-00002) AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT.

---

WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(b), ORS 222.125, and ORS 222.170(1) to annex contiguous territory upon receiving written consent from owners of land in the territory proposed to be annexed; and

WHEREAS, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw properties which currently lie within the boundary of the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District upon completion of the annexation; and

WHEREAS, the Tigard City Council held a public hearing on June 12, 2007, to consider the annexation of one (1) parcel (Washington County Tax Map 2S110BC, Tax Lot 1201) of land located along SW Bull Mountain Road, including right-of-way on SW Bull Mountain Road, and withdrawal of said property from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, pursuant to ORS 222.520(2) the City is liable to the Tigard Water District for certain debt obligations, however, in this instance the Tigard Water District has no debt for the City to assume, therefore, no option regarding the assumption of debt needs to be made; and

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed property from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District on June 12, 2007; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of annexed properties from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning most closely conforming to the County zoning; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the Tigard City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed property from the applicable service districts is in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby annexes the parcel described in the attached Exhibit "A" and shown in Exhibit "B" and withdraws said parcel from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District.

SECTION 2: The Tigard City Council adopts the "Staff Report to the City Council" as findings in support of this decision; a copy of the staff report is attached hereto as Exhibit "D" and incorporated herein by this reference.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

SECTION 4: City staff is directed to take all necessary measures to implement the annexation, including certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law, and providing notice to utilities.

SECTION 5: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District shall be the effective date of this annexation.

SECTION 6: Pursuant to ORS 222.465, the effective date of the withdrawal of this property from the Tigard Water District shall be July 1, 2008.

SECTION 7: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

PASSED: By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Cathy Wheatley, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Craig Dirksen, Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

**HARRIS - McMONAGLE ASSOCIATES INC.****ENGINEERS - SURVEYORS****12555 SW HALL BLVD.****TIGARD OREGON, 97223****TEL. (503) 639-3453 FAX. (503) 639-1232**

**LEGAL DESCRIPTION  
FOR  
ANNEXATION TO THE CITY OF TIGARD  
COMPRISED OF TAX LOT 1201 TAX MAP 2S-1-10 BC**

January 5, 2007

THE FOLLOWING DESCRIBED TRACT OF LAND BEING COMPRISED OF THAT LAND DESCRIBED IN DEED DOCUMENT NO. 96-108714 AND, BEING SITUATED IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 2-SOUTH, RANGE 1-WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON.

BEGINNING AT THE NORTHEAST CORNER OF LOT 9 OF THE DULY RECORDED PLAT OF THORNWOOD; THENCE ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 9, N 00°18'25" E 33.07 FEET TO THE CENTERLINE OF SW BULL MOUNTAIN ROAD (C.R. A-147-1/2); THENCE ALONG CENTERLINE N 86°38'31"E 219.36 FEET TO AN INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF THAT LAND AS DESCRIBED IN DEED DOCUMENT NO. 94-112586; THENCE ALONG LAST SAID EXTENSION AND THE EAST LINE OF DEED DOCUMENT NO. 94-112586, S 00°29'28" W 370.71 FEET TO THE NORTHEAST CORNER OF LOT 25, THORNWOOD; THENCE ALONG THE NORTH LINE OF LOTS 25, 24, AND 23, THORNWOOD N 89°41'35" W 141.17 FEET; THENCE ALONG THE NORTHEASTERLY LINE OF LOTS 23 AND 22, THORNWOOD N 50°53'55" W 76.59 FEET; THENCE ALONG THE EAST LINE OF LOTS 21, 10, 9 AND THE EAST END OF SW WINTERVIEW DRIVE THORNWOOD, THE FOLLOWING THREE COURSES AND DISTANCES, N 02°30'56" W 55.00 FEET, N 09°22'04" W 84.19 FEET, N 00°18'25" E 137.70 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1.74 ACRES INCLUDING THE SOUTH 20 FEET OF SW BULL MOUNTAIN ROAD.

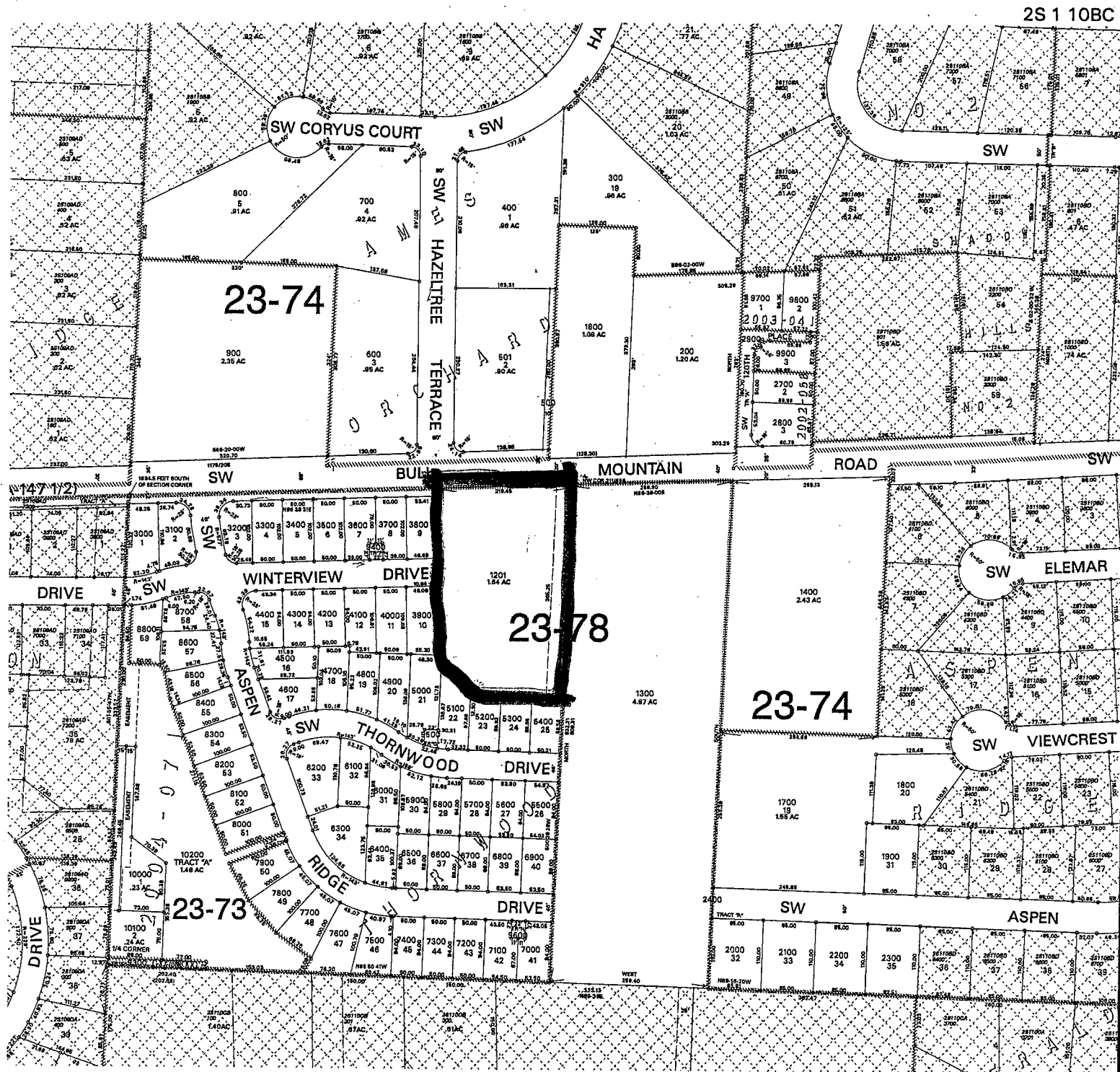
THE BASIS OF BEARING FOR THIS LEGAL DESCRIPTION IS THE EAST LINE OF LOT 9 OF THE DULY RECORDED PLAT OF THORNWOOD.

**ANNEXATION CERTIFIED**BY FDR

MAR 19 2007

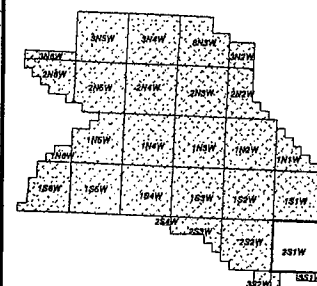
WASHINGTON COUNTY A & T  
CARTOGRAPHY





2S 1 10BC

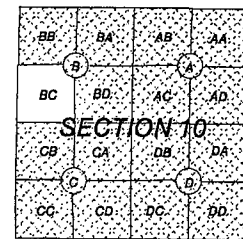
2S 1 10BC



WASHINGTON COUNTY OREGON  
SW 1/4 NW 1/4 SECTION 10 T2S R1W W.M.  
SCALE 1" = 100'

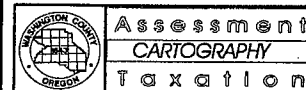
36	31	32	33	34	35	26	37
1	6	5	4	3	2	7	8
12	7	8	9	10	11	12	7
13	18	7	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	7	8

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[www.co.washington.or.us](http://www.co.washington.or.us)



Cancelled Taxlots For: 2S110BC  
1500,2500,100,1000,1001,1100,1200,2600,8800,9000,9100, 9200,

ANNEXATION CERTIFIED  
BY FDK  
MAR 19 2007  
WASHINGTON COUNTY A & T  
CARTOGRAPHY



PLOT DATE: January 03, 2005  
FOR ASSESSMENT PURPOSES  
ONLY - DO NOT RELY ON  
FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

2S 1 10BC

TIGARD  
2S 1 10BC

EXHIBIT B

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Tigard. We understand that the City will review this request in accordance with ORS Chapter 222 and applicable regional and local policies prior to approving or denying the request for Annexation.

PO - Property Owner  
RV - Registered Voter  
OV - Property Owner & Registered Voter

[illegible]

Agenda Item: \_\_\_\_\_

Hearing Date: June 12, 2007 Time: 7:30 PM

**STAFF REPORT TO THE  
CITY COUNCIL  
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = N/A

**SECTION I. APPLICATION SUMMARY**

**FILE NAME:** GOODLETT ANNEXATION  
**CASE NO:** Zone Change Annexation (ZCA) ZCA2007-00002

**APPLICANT/  
OWNER:**

Goodlett Marshall Building and  
Development Company  
Attn: Mike Goodlett  
PO Box 91551  
Portland, OR 97291

**APPLICANT'S  
REP:**

Harris-McMonagle Associates  
Attn: Steve Bloomquist  
12555 SW Hall Blvd.  
Tigard, OR 97223

**PROPOSAL:**

The applicant requests approval of annexation of one parcel (1.64 acres) and right-of-way on SW Bull Mountain Road containing a total of 1.74 acres to the City of Tigard. Property owner Goodlett Marshall Building and Development (Mike Goodlett) requests annexation of one parcel, with plans to divide it into 10 lots. One adjacent property was invited to join the annexation, but did not accept the invitation. The sole owner of the subject parcel has consented to the annexation. Note: All right-of-way on the portion of SW Bull Mountain Road adjacent to the subject property is already within City limits. While annexing the right-of-way is not necessary and the applicant has provided a legal description and map that overdescribes the proposed annexation area, Washington County has indicated that an overdescription is acceptable.

**LOCATION:**

12300 SW Bull Mountain Road (South side of SW Bull Mountain Road, adjacent to east side of the Thornwood subdivision, east of SW 125th Avenue); WCTM 2S110BC, Tax Lot 1201.

**CURRENT  
ZONE:**

R-6 District (Residential 6 Units Per Acre). The purpose of the Washington County R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2 or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District. The average lot area for single family detached dwellings within a proposed development shall be no less than 4,500 square feet and the minimum lot area shall be 4,000 square feet. The minimum lot area for single family attached units shall be 3,500 square feet.

**EQUIVALENT  
CITY ZONE:**

R-7: Medium-Density Residential District. The City of Tigard R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses

are also permitted conditionally. **Note:** In a subdivision, lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district as long as the average lot area for all lots is not less than allowed by the underlying zoning district. No lot created under this provision shall be less than 80% of the minimum lot size allowed in the underlying zoning district.

**APPLICABLE  
REVIEW**

**CRITERIA:** ORS Chapter 222, Metro Code Chapter 3.09, Comprehensive Plan Policies 2 and 10, Community Development Code Chapters 18.320 and 18.390.

**SECTION II. STAFF RECOMMENDATION**

Staff recommends that the Council find that the proposed annexation (ZCA2007-00002) meets all the approval criteria as identified in ORS Chapter 222, Metro Code Chapter 3.09, Comprehensive Plan Policies 2 and 10, Community Development Code Chapters 18.320 and 18.390. Therefore, staff recommends APPROVAL of ZCA2007-00002 by adoption of the attached ordinance.

**SECTION III. BACKGROUND INFORMATION**

The 1.64-acre subject property is located on the south side of SW Bull Mountain Road, adjacent to the east side of the Thornwood subdivision near 128th Avenue. The property is mostly flat, sloping up about 8% before it flattens and then sloping down about 9%. There are no Significant Habitat Areas on the subject property per the City's adopted map. The existing house was built in 1952.

Goodlett Marshall Building and Development Company purchased the property in January 2007. Mike Goodlett, owner of the company, initiated the annexation request. There are no registered voters on the property. The City invited the owner of the one adjoining property to join the annexation, but did not receive a response.

The applicant requests approval of annexation of one parcel (1.64 acres) and right-of-way on SW Bull Mountain Road containing a total of 1.74 acres to the City of Tigard. Staff found all right-of-way on the portion of SW Bull Mountain Road adjacent to the subject property to be already within City limits. While annexing the right-of-way is not necessary and the applicant has provided a legal description and map that overdescribes the proposed annexation area, Washington County has indicated an overdescription is acceptable.

The owner plans to divide the parcel into 10 lots for single-family homes. If the annexation is approved, the owner would be required to apply for land use approval of the proposed subdivision. The subdivision would be required to extend the existing street connection (SW Winterview Drive) in the neighboring Thornwood subdivision to the west.

**SECTION IV. APPLICABLE REVIEW CRITERIA, FINDINGS AND CONCLUSIONS**

**State:** ORS Chapter 222

**Regional:** Metro Code Chapter 3.09

**City:** Comprehensive Plan Policies 2 and 10, Community Development Code Chapters 18.320 and 18.390.

**A. CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)**



Staff has determined that the proposal is consistent with the relevant portions of the Community Development Code based on the following findings:

**1. Chapter 18.320.020: Approval Process and Standards.**

**B. Approval Criteria.** The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:

**1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area;**

The City of Tigard Comprehensive Plan's Urbanization Chapter (Policy 10.1.1) defines services as water, sewer, drainage, streets, police, and fire protection. Each service is addressed below.

Policy 10.1.1 further defines capacity as "adequate capacity, or such services to be made available," to serve the parcel "if developed to the most intense use allowed," and "will not significantly reduce the level of services available to developed and undeveloped land in the City of Tigard."

**Water – City of Tigard.** Tigard Water District currently serves the subject property. Upon annexation, City of Tigard will be the provider. The applicant has submitted a letter dated November 29, 2006, from Rob Murchison, Engineer in the Public Works Department, indicating that the City of Tigard is able to provide the minimum State of Oregon service requirements for the subject property if it were developed to the maximum density (10 lots). Water is available in quantity and quality for domestic use as determined by the Oregon Health Division, Department of Human Resources. Currently the site is served by a 12-inch water line located in SW Bull Mountain Road and an 8-inch water line located in SW Winterview Drive.

**Sewer – Clean Water Services/City of Tigard.** Upon annexation, the City of Tigard will be the provider of sewer service. According to pre-application notes prepared by Kim McMillan, City of Tigard Engineering Manager, the proposed territory would have access to an 8-inch sanitary sewer line in SW Winterview Drive and SW Thornwood Drive. If the subject property develops, the development must connect to public sanitary sewer. It will be the developer's responsibility to extend the public sewer to serve the development and adjacent unserved properties.

**Drainage – Clean Water Services/City of Tigard.** Upon annexation, the City of Tigard will be the provider of storm drainage. The proposed territory has access to a City storm line in SW Winterview Drive and SW Thornwood Drive. If the subject property develops, it will be required to connect to the public drainage system. According to pre-application notes prepared by Kim McMillan, City of Tigard Engineering Manager, on-site detention would also be required.

**Streets – City of Tigard Capital Construction & Transportation Division.** The subject property is located on SW Bull Mountain Road in an area where there is an existing street pattern. Thornwood subdivision to the west contains a City street connection to which the subject property may connect if it develops. The developer would be required to construct street improvements on SW Bull Mountain Road and any streets within the subdivision.

**Police – City of Tigard Police Department.** The City of Tigard Police Department reviewed the proposal and has no objections to it.

**Fire – Tualatin Valley Fire and Rescue (TVF&R).** The subject property is in Tualatin Valley Fire and Rescue's (TVF&R's) service area. TVF&R currently serves the subject property and will continue to serve it after it is annexed.

Based upon this review, staff finds that all public services (as defined by the Comprehensive Plan) are available to the proposed annexation territory and all public services have sufficient capacity to provide service to the proposed annexation territory.

**2. The applicable Comprehensive Plan policies and implementing ordinance provisions have been satisfied.**

Three Comprehensive Plan policies apply to the proposed annexation: 2.1.1, 10.1.1., and 10.1.2. Staff has determined that the proposal has satisfied the applicable Comprehensive Plan policies based on the following findings:

**Policy 2.1.1: Citizen Involvement.** The City shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process.

The City maintains an ongoing citizen involvement program. To assure citizens will be provided an opportunity to be involved in all phases of the planning process, the City provides notice for Type IV land-use applications. The City posted, mailed and published notice of the public hearing as follows. The City posted the hearing notice at four public places on April 27, 2007: Tigard Library, Tigard City Hall, Tigard Permit Center, and in the vicinity of the proposed territory on SW Bull Mountain Road. The City published notice of the hearing in *The Tigard Tualatin Sherwood Times* for two successive weeks (May 31, 2007 and June 7, 2007) prior to the June 12, 2007, public hearing. The City also mailed notice to all interested parties and surrounding property owners within 500 feet on May 24, 2007). In addition, the City maintains a list of interested parties organized by geography. Notice was mailed to interested parties in the West area on May 23, 2007, including former members of Citizen Involvement Team West. Staff finds that this policy is met.

**Policy 10.1.1: Urbanization.** Prior to the annexation of land to the City of Tigard, a) the City shall review each of the following services as to adequate capacity, or such services to be made available, to serve the parcel if developed to the most intense use allowed, and will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard: 1. Water; 2. Sewer; 3. Drainage; 4. Streets; 5. Police; and 6. Fire Protection.

As addressed under 18.320.020 above, adequate service is available to the proposed annexation territory. Upon annexation, the subject property will be zoned R-7, a Medium-Density Residential zone, with a minimum lot size of 5,000 square feet. The most intense use of the proposed territory is estimated to be 11 residential lots<sup>1</sup>. However, the applicant proposes 10 lots based on a preliminary design.

If the subject property develops, it will be required to connect to public service facilities, such as sewer, storm drainage and water, and provide the necessary street improvements. Based on findings by the applicant and City staff, there is adequate capacity to serve the annexation area (water, sewer, drainage, streets, police, fire protection) if developed to the most intense use permitted, and it will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard.

Staff concludes that there is adequate capacity to serve the proposed territory (water, sewer, drainage, streets, police, fire protection) if developed to the most intense use permitted, and will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard.

b) If required by an adopted capital improvements program ordinance, the applicant shall sign and record with Washington County a nonremonstrance agreement regarding the following: 1. The formation of a local improvement district (L.I.D.) for any of the following services that could be provided through such a district. The extension or improvement of the following: a) Water, b) Sewer, c) Drainage, and d) Streets. 2. The formation of a special district for any of the above services or the inclusion of the property into a special service district for any of the above services.

This criterion does not apply. No capital improvements program requires a nonremonstrance agreement for this area. Some urban services are already available for the proposed annexation territory; others are available nearby and would require connections from the proposed annexation area. However, these public facility requirements may be assigned as part of any development review when an application is submitted.

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<sup>1</sup> Using formula for density calculation in Chapter 18.715 of the Development Code.

c) The City shall provide urban services to areas within the Tigard Urban Planning Area or within the Urban Growth Boundary upon annexation.

The proposed territory is within the Tigard Urban Planning Area and within the City's Urban Growth Boundary. Upon annexation, urban services will be provided as outlined in the Washington County-Tigard Urban Planning Area Agreement, Tigard Urban Services Agreement and current City policies. Staff finds that this policy is met.

**Policy 10.1.2: Urbanization.** Approval of proposed annexations of land by the City shall be based on findings with respect to the following: a) The annexation eliminates an existing "pocket" or "island" of unincorporated territory; or, b) The annexation will not create an irregular boundary that makes it difficult for the police in an emergency situation to determine whether the parcel is within or outside the City; c) The Police Department has commented upon the annexation; d) the land is located within the Tigard Area of Interest and is contiguous to the City boundary; e) The annexation can be accommodated by the services listed in 10.1.1(a).

- a) The proposed annexation territory is part of a pocket of unincorporated territory. Therefore, the proposed annexation would help reduce a pocket of unincorporated territory.
- b) The proposed annexation will not create an irregular boundary that will make it difficult for the police to locate a parcel in an emergency situation. By reducing a pocket of unincorporated territory, the City's boundary will become more regular.
- c) The City of Tigard Police Department has commented and has no objections to the proposed annexation.
- d) The *UPAA (2006)* includes the proposed annexation territory within Tigard's Area of Interest. The proposed annexation territory is contiguous to the City on three sides, where it abuts SW Bull Mountain Road to the north and Thornwood subdivision to the west and east.
- e) Lastly, as section 10.1.1.(a) demonstrated, the annexation can be accommodated by the following services: water, sewer, drainage; streets; police; and fire protection.

Items a through e have been met. Therefore, staff finds that the proposed annexation meets Policy 10.1.2.

**Policy 10.1.3: Urbanization.** Upon annexation of land into the City which carries a Washington County zoning designation, the City of Tigard shall assign the City of Tigard zoning district designation which most closely conforms to the county zoning designation.

Section 18.320.020.C of the Community Development Code provides specifics on this conversion. See Table 18.320.1 on the following page.

**TABLE 320.1  
CONVERSION TABLE FOR COUNTY AND CITY PLAN AND ZONING DESIGNATIONS**

<b>Washington County Land Use Districts/Plan Designation</b>	<b>City of Tigard Zoning</b>	<b>City of Tigard Plan Designation</b>
R-5 Res. 5 units/acre	R-4.5 SFR 7,500 sq. ft.	Low density 1-5 units/acre
R-6 Res. 6 units/acre	R-7 SFR 5,000 sq. ft.	Med. density 6-12 units/acre
R-9 Res. 9 units/acre	R-12 Multi-family 12 units/acre	Med. density 6-12 units/acre
R-12 Res. 12 units/acre	R-12 Multi-family 12 units/acre	Med. density 6-12 units/acre
R-15 Res. 15 units/acre	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
R-24 Res. 24 units/acres	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
Office Commercial	C-P Commercial Professional	CP Commercial Professional
NC Neighborhood Commercial	CN Neighborhood Commercial	CN Neighborhood Commercial
CBD Commercial Business District	CBD Commercial Business District	CBD Commercial Business District
GC General Commercial	CG General Commercial	CG General Commercial
IND Industrial	I-L Light Industrial	Light Industrial■

The subject property is zoned R-6 by Washington County. Table 320.1 summarizes the conversion of the County's plan and zoning designations. R-6 County zoning converts to the City's R-7 zoning. As this is a Zone Change Annexation (ZCA) application, upon approval and execution of the proposed annexation, the proposed territory will automatically convert to R-7 zoning. In addition, the City's Comprehensive Plan designation for medium-density residential will be applied to this area.

### **Chapter 18.320.020**

#### **C. Assignment of comprehensive plan and zoning designations.**

The comprehensive plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's or County's comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries County designations, the City shall convert the County's comprehensive plan map and zoning designations to the City designations which are the most similar. A zone change is required if the applicant requests a comprehensive plan map and/or zoning map designation other than the existing designations. (See Chapter 18.380). A request for a zone change can be processed concurrently with an annexation application or after the annexation has been approved.

As the previous section demonstrated, the City of Tigard R-7 zoning district is the most similar to Washington County's R-6 zoning district. The subject property is currently R-6 and will automatically become R-7 upon annexation. This zone conversion will occur concurrently with the annexation process. There have been no requests for zoning other than R-7.

### **City of Tigard Community Development Code**

#### **2. Chapter 18.390.060: Type IV Procedure**

Annexations are processed by means of a Type IV procedure, as governed by Chapter 18.390 of the Community Development Code (Title 18) using standards of approval contained in 18.390.020.B, which

were addressed in the previous section. Chapter 18.390 requires City Council to hold a hearing on an annexation. It also requires the City to provide notice at least 10 days prior to the hearing by mail and to publish newspaper notice; the City mailed notice on May 24, 2007, and published public notice in *The Tigard Tualatin Sherwood Times* for two successive weeks (May 31, 2007 & June 7, 2007) prior to the June 12, 2007, public hearing.

**Additionally, Chapter 18.390.060 sets forth five decision-making considerations for a Type IV decision:**  
**1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;**

The City's Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission to be in compliance with state planning goals. As reviewed above, the annexation proposal meets the existing Comprehensive Plan policies and therefore is in compliance with state planning goals.

**2. Any federal or state statutes or regulations found applicable;**

**ORS 222:**

State law (ORS 222.120(4)(b), ORS 222.125 and ORS 222.170(1)) allows for a city to annex contiguous territory when owners of land in the proposed annexation territory submit a petition to the legislative body of the city. ORS 222.120 requires the city to hold a public hearing before its legislative body (City Council) and provide public notice to be published once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

The sole owner of land within the proposed territory has signed a petition for annexation to the City. The proposed annexation territory is contiguous to the City's boundary on three sides.

The City published public notice in *The Tigard Tualatin Sherwood Times* for two successive weeks (May 31, 2007 & June 7, 2007) prior to the June 12, 2007, public hearing and posted the hearing notice at four public places on April 27, 2007: Tigard Library, Tigard City Hall, Tigard Permit Center, and in the vicinity of the proposed territory on SW Bull Mountain Road. Staff finds that the provisions of ORS 222 have been met.

**3. Any applicable METRO regulations;**

Chapter 3.09 of the Metro Code (Local Government Boundary Changes) includes standards to be addressed in annexation decisions, in addition to local and state review standards. Note that the report is available 15 days before the hearing (May 25, 2007 for a June 12, 2007, hearing). Staff has determined that the applicable METRO regulations (Metro Code 3.09.040(b) & (d)) have been met based on the following findings:

**Metro 3.09.040 (b)**

**(b) Not later than 15 days prior to the date set for a change decision, the approving entity shall make available to the public a report that addresses the criteria in subsections (d) and (g) below, and that includes at a minimum the following:**

**(1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;**

As addressed previously in this report, urban services are available to the affected territory.

**(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;**

As addressed previously in this report, the annexation proposal complies with all applicable provisions of urban service provider agreements, *UPAA (2006); and TUSA (2006)*.

**(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth**

**goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;**

As addressed previously in this report, the annexation proposal complies with all applicable policies of the City of Tigard Comprehensive Plan and urban service provider agreements (*UPAA (2006)* and *TUSA (2006)*). The proposed annexation territory is within the Urban Growth Boundary and subject to the Regional Framework Plan and Urban Growth Management Functional Plan provisions. There are no specific applicable standards or criteria for boundary changes in the Regional Framework Plan or the Urban Growth Management Functional Plan. However, the City's Comprehensive Plan and Development Code have been amended to comply with Metro functional plan requirements. By complying with the Development Code and Comprehensive Plan, the annexation is consistent with the Functional Plan and the Regional Framework Plan.

**(4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and**

The proposed territory will remain within Washington County but will be required to be withdrawn from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District and the Tigard Water District upon completion of the annexation.

**(5) The proposed effective date of the decision.**

The public hearing will take place June 12, 2007. If the Council adopts findings to approve ZCA2007-00002, the effective date of the annexation will be 30 days later on July 12, 2007.

**Metro Code 3.09.040 (d)**

**(d) An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:**

**1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;**

As addressed previously in this application, the proposed annexation complies with all applicable provisions of urban service provider agreements (*UPAA (2006)* and the *TUSA (2006)*). The proposed annexation is in the Area of Interest and Urban Service Area, which are subject to the *UPAA* and *TUSA*. The agreements state that the County and City will be supportive of annexations to the City. Therefore, the proposed annexation is consistent with these agreements.

**2. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;**

The *UPAA (2006)* includes the proposed annexation territory. The City has followed all processing and notice requirements in the *UPAA*, providing Washington County with 45-day notice prior to the public hearing. The agreement states that "so that all properties within the Tigard Urban Service Area will be served by the City, the County and City will be supportive of annexations to the City." The annexation proposal is consistent with this agreement.

As previously stated in this report, this proposal meets all applicable City of Tigard Comprehensive Plan provisions. This criterion is satisfied.

**4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;**

This criterion was addressed under Metro Code 3.09.040(b). By complying with the City of Tigard Community Development Code and Comprehensive Plan, the annexation is consistent with the Functional Plan and the Regional Framework Plan.

**5. Whether the proposed change will promote or not interfere with the timely, orderly and**

**economic provisions of public facilities and services;**

The proposed annexation will not interfere with the provision of public facilities or services because it is consistent with the terms of the *TUSA (2006)*, which ensures the timely, orderly, and efficient extension of public facilities and urban services; it is contiguous to existing city limits and services; and lastly, urban services are available to the proposed annexation territory and have not been found to significantly reduce existing service levels.

**6. The territory lies within the Urban Growth Boundary; and**

The proposed territory is within Metro's Urban Growth Boundary.

**7. Consistency with other applicable criteria for the boundary change in question under state and local law.**

In previous sections, this report reviewed the proposal's consistency with other applicable criteria and found it to be consistent.

(Tigard CDC 19.390.060)

**4. Any applicable comprehensive plan policies; and**

As demonstrated in previous sections of this report, the proposed annexation is consistent with, and meets, all applicable comprehensive plan policies.

**5. Any applicable provisions of the City's implementing ordinances.**

There are no specific implementing ordinances that apply to this proposed annexation. The Development Code (Chapter 18 of the City Code) will apply to the proposed territory if or when it develops.

**SECTION VII. OTHER STAFF COMMENTS**

The City of Tigard Public Works Department reviewed the proposal and has not provided any comments to staff. With regard to water service and availability, the applicant has provided a letter from Public Works dated November 29, 2006. The letter has been discussed previously in this staff report and has been included in the land use file ZCA2007-00002.

The City of Tigard Police Department has reviewed the proposal and did not have any comments or objections.

The City of Tigard Engineering Department was provided the opportunity to comment, but did not comment.


**SECTION VIII. AGENCY COMMENTS**

Tualatin Valley Fire and Rescue, which currently serves the proposed territory, has been given the opportunity to comment, but did not comment.

The City received comments from Tualatin Valley Water District (TVWD), which has indicated that the subject property is not within the TVWD service area.

**SECTION IX. PUBLIC COMMENTS**

The City mailed notice surrounding property owners within 500 feet and all interested parties on May 31, 2007. As of the date of this report, staff has not received any written comments.

  
PREPARED BY: Emily Eng  
Assistant Planner

5/25/2007  
DATE

  
REVIEWED BY: Richard Bewersdorff  
Planning Manager

5/25/2007  
DATE



Agenda Item #

Meeting Date

June 12, 2007

## COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title A RESOLUTION CERTIFYING THAT THE CITY OF TIGARD PROVIDES SERVICES QUALIFYING FOR STATE SHARED REVENUES

Prepared By: Robert Sesnon Dept Head Approval: *RS* City Mgr Approval: *CP*

### ISSUE BEFORE THE COUNCIL

Shall the City Council approve a resolution certifying that the City of Tigard provides certain services making the City eligible to receive state shared revenues?

### STAFF RECOMMENDATION

Staff recommends approval of the attached resolution.

### KEY FACTS AND INFORMATION SUMMARY

The City has estimated the receipt of the following state shared revenues:

	FY 2007-08	FY 2006-07
Cigarette Tax	\$80,000	\$75,000
Liquor Tax	\$500,000	\$451,360
State Gas Tax	\$2,253,000	\$2,208,000

The State of Oregon requires the City to certify its eligibility to receive these revenues by stating that it provides more than four of the services listed in ORS 221.760. The City does provide a sufficient number of required services and is therefore eligible for receiving the state shared revenues. The services the City provides include police services; street construction, maintenance, and lighting; sanitary sewer and storm water management; planning, zoning, and subdivision control; and water utility. Approval of the attached resolution will meet the State of Oregon requirement of certification.

### OTHER ALTERNATIVES CONSIDERED

Not accept the revenues from the State of Oregon.

### CITY COUNCIL GOALS

Acceptance of these revenues will assist in the funding of City goals and strategies.

### ATTACHMENT LIST

Certifying Resolution.

---

## FISCAL NOTES

Approval of the resolution would secure an estimated \$2,833,000 in revenue for the City.

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CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 07-\_\_\_\_\_

A RESOLUTION CERTIFYING THAT THE CITY OF TIGARD PROVIDES SERVICES  
QUALIFYING FOR STATE SHARED REVENUES

---

WHEREAS, ORS 221.760 (1) provides as follows:

The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.82, and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

- (1) Police protection
- (2) Fire protection
- (3) Street construction, maintenance, and lighting
- (4) Sanitary sewers
- (5) Storm sewers
- (6) Planning, zoning, and subdivision control
- (7) One or more utility services

And,

WHEREAS, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City of Tigard hereby certifies that it provides the following four or more services enumerated in Section 1, ORS 221.760:

- (1) Police protection
- (2) Street construction, maintenance, and lighting
- (3) Sanitary sewers
- (4) Storm sewers
- (5) Planning, zoning, and subdivision control
- (6) Water utility

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2007.

\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

\_\_\_\_\_  
City Recorder - City of Tigard

Agenda Item #

Meeting Date

June 12, 2007

## COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES.

Prepared By: Robert Sesnon Dept Head Approval: RSS City Mgr Approval: CP

### ISSUE BEFORE THE COUNCIL

Shall the City Council approve a resolution declaring the City's election to receive state revenue sharing funds?

### STAFF RECOMMENDATION

Staff recommends the approval of the attached resolution.

### KEY FACTS AND INFORMATION SUMMARY

The City has estimated the receipt of \$372,625 of state revenue sharing funds in the FY 2007-08 budget. Such funds are available from the state for those cities that meet certain requirements. The major requirement is that a City must have levied property taxes in the previous year. The requirements also include having a public hearing before the Budget Committee and a public hearing before the City Council. The hearing before the Budget Committee was held on May 14, 2007. Approval of the attached resolution will meet the state requirements for the City's election to receive these funds.

### OTHER ALTERNATIVES CONSIDERED

Not accept the revenues from the State of Oregon.

### CITY COUNCIL GOALS

Acceptance of this revenue will assist in the funding of City goals and strategies.

### ATTACHMENT LIST

Resolution declaring City election to receive state revenue sharing funds.

### FISCAL NOTES

Approval of this resolution would secure \$372,625 of revenue for the General Fund.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 07-\_\_\_\_\_

A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES

---

WHEREAS, State Revenue Sharing Law, ORS 221.770, requires cities to annually pass an ordinance or resolution requesting state revenue sharing money; and

WHEREAS, the law mandates public hearings be held by the City and that certification of these hearings is also required; and

WHEREAS, in order to receive state revenue sharing in FY 2007-08, the City must have levied property taxes in the preceding year; and

WHEREAS, the City did levy property taxes in FY 2006-07.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

**SECTION 1: Pursuant to ORS 221.770, the City hereby elects to receive state revenues for the Fiscal Year 2007-08.**

**SECTION :** This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2007.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

Agenda Item #

Meeting Date

June 12, 2007

## **COUNCIL AGENDA ITEM SUMMARY**

City Of Tigard, Oregon

Issue/Agenda Title Adoption of 2007-012 Community Investment Plan

Prepared By: Tom Coffee

Dept Head Approval: TC

City Mgr Approval: CL

### **ISSUE BEFORE THE COUNCIL**

Adoption of the 2007-012 Community Investment Plan.

### **STAFF RECOMMENDATION**

Adopt the 2007-012 Community Investment Plan with the Amended Street CIP for 2007-08 as recommended by the Budget Committee.

### **KEY FACTS AND INFORMATION SUMMARY**

The 2007-012 Community Investment Plan (CIP) is a 5 year planning document for the City's capital construction projects. The Budget Committee recommended adoption of the CIP with amendment of the Street Fund Projects as proposed by staff in an Alternative Street CIP Budget presented to the Committee on May 12, 2007 (Attachment 1). Adoption of that Budget combined with savings realized from the Burnham and Wall/Hall projects will allow for the construction of the street projects shown in the Amended Street CIP for 2007-08. (Attachment 2).

### **OTHER ALTERNATIVES CONSIDERED**

Other street projects could be included given different priorities.

### **CITY COUNCIL GOALS**

Aggressively pursue funding to correct traffic congestion within the City.

### **ATTACHMENT LIST**

Attachment 1: Alternative Street Budget.

Attachment 2: Amended Street CIP for 2007-08.

Attachment 3: Final draft of 2007-12 CIP (Previously Distributed).

### **FISCAL NOTES**

The 2007-08 CIP is funded in the 2007-08 City Budget.

**STREET CIP  
CASH FLOW ANALYSIS**

**Assumptions:**

Resources (doesn't include grants)

	Proposed Budget FY 2007-08	FY 2008-09	Total Expenditure	Alternative Budget FY 2007-08	Alternative FY 2008-09	Total
						Expenditure
<b>Gas Tax</b>						
<i>Expenditures</i>						
72nd Ave/Dartmouth Intersection Signalization	\$250,000	\$1,350,000	\$1,600,000	\$0	\$0	\$0
121st St Improvements (Walnut to North Dakota)	0	300,000	300,000	0	0	0
92nd Ave Sidewalk (Durham Rd to Cook Park)	0	450,000	450,000	0	0	0
Commercial St Improvements (non-grant portion)	608,700	0	608,700	0	0	0
Hall Blvd Sidewalk (Spruce St to 805' South)	75,000	0	75,000	0	0	0
Main St Safety Improvements	25,000	0	25,000	0	0	0
Ash Ave Extension (Burnham to RR Tracks)	300,000	400,000	700,000	0	0	0
Ash Ave Extension (Fanno Creek to Scoffins)	0	300,000	300,000	0	0	0
Commercial St (Main to Hall)	0	600,000	600,000	0	0	0
Main St Traffic Light (at Tigard St)	0	160,000	160,000	0	0	0
Main St South at Hwy 99W Gateway	0	225,000	225,000	0	0	0
PMMP	150,000	150,000	300,000	150,000	150,000	300,000
121st Ave Crosswalk Improvements	200,000	0	200,000	200,000	0	200,000
Hall Blvd & Tigard St Crosswalks	100,000	0	100,000	0	0	0
Pedestrian/Bicycle Paths	140,000	140,000	280,000	0	0	0
Upper Boones Ferry Rd Traffic Signal	20,000	0	20,000	20,000	0	20,000
Collector & Arterial ROW Enhancements	35,000	35,000	70,000	0	0	0
Burnham St Improvements	357,500	2,087,500	2,445,000	357,500	2,087,500	2,445,000
Loans to CCDA						
Burnham St Improvements	267,500	0	267,500	267,500	0	267,500
Main St Green Street Retrofit	95,000	0	95,000	95,000	411,667	506,667
Hall @ Hwy 99W Gateway	75,000	0	75,000	0	0	0
<i>Total Expenditures</i>	<i>\$2,698,700</i>	<i>\$6,197,500</i>	<i>\$8,896,200</i>	<i>\$1,090,000</i>	<i>\$2,649,167</i>	<i>\$3,739,167</i>
<i>Resource</i>	<i>2,718,078</i>	<i>634,108</i>	<i>3,332,808</i>	<i>2,718,078</i>	<i>2,242,808</i>	<i>3,332,808</i>
<i>Difference</i>	<i>\$19,378</i>	<i>(\$5,563,392)</i>	<i>(\$5,563,392)</i>	<i>\$1,628,078</i>	<i>(\$406,359)</i>	<i>(\$406,359)</i>



**STREET CIP  
CASH FLOW ANALYSIS**

**Assumptions:**

Resources (doesn't include grants)

	Proposed			Alternative		
	Budget FY		Total	Budget FY	Alternative	Total
	2007-08	FY 2008-09	Expenditure	2007-08	FY 2008-09	Expenditure
<b>TIF</b>						
<i>Expenditure</i>						
Hall/Wall Expenditure	\$1,200,000	\$0	\$1,200,000	\$1,200,000	\$0	\$1,200,000
Durham Rd/108th Ave Signalization	200,000	0	200,000	0	0	0
Traffic Feasibility Study at Tigard & Tiedeman	10,000	0	10,000	0	0	0
Burnham St Improvements	357,500	2,087,500	2,445,000	357,500	2,087,500	2,445,000
McDonald St Traffic Median	40,000	0	40,000	0	0	0
Hall Blvd Half-Street (Fanno Creek to 450' N)	160,000	0	160,000	0	0	0
Greenburg/Tiedeman/N Dakota/Tigard	0	200,000	200,000	0	0	0
Hall Blvd (@ McDonald St) Right-Turn Lane	0	100,000	100,000	0	0	0
Scoffins/Hall/Hunziker Re-alignment	0	300,000	300,000	0	0	0
Walnut St Improvements (116th to Tiedeman)	0	1,000,000	1,000,000	0	0	0
Loans to CCDA						
Burnham St Improvements	267,500	0	267,500	267,500		267,500
<b>Total Expenditures</b>	<b>2,235,000</b>	<b>3,687,500</b>	<b>5,922,500</b>	<b>1,825,000</b>	<b>2,087,500</b>	<b>3,912,500</b>
<i>Resource</i>	<i>3,930,959</i>	<i>2,308,639</i>	<i>\$4,543,639</i>	<i>3,930,959</i>	<i>2,718,639</i>	<i>\$4,543,639</i>
<i>Difference</i>	<i>\$1,695,959</i>	<i>(\$1,378,861)</i>	<i>(\$1,378,861)</i>	<i>\$2,105,959</i>	<i>\$631,139</i>	<i>\$631,139</i>
<b>Underground Utility</b>						
<i>Expenditure</i>						
Burnham St Improvements	\$300,000	0	\$300,000	\$300,000	0	\$300,000
Walnut St Improvements (116th to Tiedeman)	\$0	150,000	150,000	\$0	0	0
<b>Total Expenditures</b>	<b>\$300,000</b>	<b>\$150,000</b>	<b>\$450,000</b>	<b>\$300,000</b>	<b>\$0</b>	<b>\$300,000</b>
<i>Resource</i>	<i>416,565</i>	<i>166,493</i>	<i>\$466,493</i>	<i>416,565</i>	<i>166,493</i>	<i>\$466,493</i>
<i>Difference</i>	<i>\$116,565</i>	<i>\$16,493</i>	<i>\$16,493</i>	<i>\$116,565</i>	<i>\$166,493</i>	<i>\$166,493</i>

## Amended Street CIP for 2007-08

	<u>Gas Tax</u>	<u>TIF</u>
Main Street Safety Improvements	\$25,000	
PMMP	\$150,000	
121 <sup>st</sup> Ave. Crosswalk Improvements	\$200,000	
Upper Boones Ferry Traffic Signal	\$20,000	
Burnham Street	\$357,500	\$357,500
Burnham CCDA Loan	\$267,500	\$267,500
Main Street/Green Street CCDA Loan	\$95,000	
Hall/Wall Street Extension		\$1,127,686
Durham Road/108 <sup>th</sup> Signal		\$200,000
McDonald Median		\$40,000
Hall Blvd Half Street/Fanno Creek		\$50,000
Hall/McDonald Right Turn Lane		\$50,000
<b>Total</b>	<b>\$1,115,000</b>	<b>\$2,092,686</b>

Agenda Item # \_\_\_\_\_

Meeting Date \_\_\_\_\_

June 12, 2007

## COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Consider a Resolution Adopting the Citywide Master Fees and Charges Schedule, Which Replaces Resolution No. 06-36 and All Subsequent Amendments to Date.

Prepared By: Robert H Sesnon

Dept Head Approval: RHS

City Mgr Approval: CP

### ISSUE BEFORE THE COUNCIL

Should the City Council approve a resolution to adopt the Master Fees and Charges Schedule?

### STAFF RECOMMENDATION

Staff recommends that Council adopt the resolution.

### KEY FACTS AND INFORMATION SUMMARY

Tigard Municipal Code (TMC) 3.32.050 requires that the City Council review fees and charges annually. The Master Fees and Charges Schedule contains all citywide fees and charges and is updated annually in June. The purpose of the Schedule is to streamline the review process, have one document containing all fees and charges, and minimize the number of resolutions and ordinances relating to fees and charges.

Staff has reviewed the Schedule and is proposing a few new fees and changes to specific, existing fees. There are various reasons for the proposed changes. Several of the fees are either adjusted annually by previously approved formulas or are set by other agencies. Other fees are no longer adequately recovering the City's cost of providing the service. Finally, some fees are related to services that the City is providing or plans to provide because of new technology, but a fee has not been set to recover the costs related to these services. Below is a summary of the proposed fee changes, additions, or deletions.

#### Citywide Section:

- Faxes for Public – not recovering costs.
- Microfiche copies - new fee and service already being provided, not recovering costs.
- Photocopies and microfilm copies for 17 x 24 and 36 x 36 - new fee and service already being provided, not recovering costs.

#### Community Development Section:

- Building Fees – adjusted to reflect changes in state building valuation tables. Council will have a full discussion on this topic on June 26, 2007.
- Address Change – needs to be same as the new address assignment fee.
- Investigation Fee – existing fee and service already being provided, had been omitted from Schedule
- Planning Fees – updated annually using the Construction Cost Index (CCI) for Seattle that is published in the April Engineering News Review (ENR) issues; the April 1, 2007 ENR issue listed the CCI for Seattle as 2.1%.
- Building Plan Copies – new fee and service already being provided, not recovering costs.

- GIS Map Copies ( 8.5 x 11) – need to be same as other 8.5 x 11 copy fees.

Financial & Information Services Section:

- Budget Document (paper and CD) Fee – new fee and service already being provided, not recovering costs
- Passport Photographs Fee – new service and fee, need to recover costs.
- Right-of-Way Usage Fee – approved by Council in August 2006, need to add to Schedule

Library Section:

- Collection Agency Fee – set by Washington County Cooperative Library Services.
- Headphones – not recovering costs
- Replacement Library Card Fee – set by Washington County Cooperative Library Services.

Police Section:

- Vehicle Release Fee – not recovering costs.

Public Works – Utilities Section:

- Surface Water Management Fee – add a \$1.00/month City surcharge to the \$4.00/month fee set by Clean Water Services. This was recommended by the City's Budget Committee. The additional revenue will allow the City to continue to operate its Stormwater Division and construct capital projects.

System Development Charge Section:

- Traffic Impact Fee – set by Washington County.

The proposed new fees are bolded and the current fees are struck through in Exhibit A of the resolution. Only those fees listed above will be adjusted; all other fees listed in Exhibit A will remain as is.

It should be noted that there are several fees within the Fees and Charges Schedule that are set by Clean Water Services. Although it is likely that CWS will adjust its fees, its Board will not be approving those adjustments until sometime in June. Therefore, CWS rate adjustments are not included in the Fees and Charges Schedule. However, when the new CWS rates are known, the Schedule will be updated to reflect those new rates.

---

**OTHER ALTERNATIVES CONSIDERED**

Increase only those fees that are set by other agencies or are increased annually using an already approved formula.

---

**CITY COUNCIL GOALS**

Not Applicable.

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**ATTACHMENT LIST**

Resolution and Exhibit A, the Master Fee and Charges Schedule with proposed changes.  
Memo from Laurie Garrison to Alan Orr regarding Vehicle Release Fee.

---

**FISCAL NOTES**

There are no additional costs attached to these changes. The annually adjusted fee increases, such as Land Use fees, Traffic Impact, and Park System Development Charges, are reflected in the FY 2007-08 Adopted Budget, all other increases and new fees are not reflected.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 07-\_\_\_\_\_

A RESOLUTION ADOPTING THE CITYWIDE MASTER FEES AND CHARGES SCHEDULE WHICH REPLACES RESOLUTION NO. 06-36 AND ALL SUBSEQUENT AMENDMENTS TO DATE.

---

WHEREAS, the City of Tigard has a Master Fees and Charges Schedule; and

WHEREAS, City staff has reviewed fees and services provided; and

WHEREAS, City staff has proposed a few new fees and changes to certain fees to recover costs or due to previously approved annual adjustment formulas; and

WHEREAS, the City's Master Fees and Charges Schedule includes fees set by other agencies; and

WHEREAS, Tigard Municipal Code (TMC) 3.32.050 requires that the City Council review fees and charges annually.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The fees and charges for the City of Tigard are enumerated and set as shown in the attached schedule (Exhibit A).

SECTION 2: This resolution is effective July 1, 2007.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2007.

---

Mayor - City of Tigard

ATTEST:

---

City Recorder - City of Tigard

# **CITY OF TIGARD**

## **FEES AND CHARGES SCHEDULE**



**FY 2007-08**

Resolution No.

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**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
<b>CITYWIDE</b>			
	<i>Attorney Time</i>	Attorney billing rate	1999
	<i>Audiotapes</i>	\$6.00	7/1/2003
	<i>Computer disk or Compact disk</i>	\$10.00	7/1/2006
	<i>DVD and VHS Copies (Non-Police)</i>	\$12.00	7/1/2006
	<i>Faxes for Public</i>	Long distance charges when applicable \$2.00 for first page, \$1.00 for each additional page	7/1/2003 7/1/2007
	<i>Microfiche Copies</i>	\$1.00/sheet up to 50 sheets plus staff time	7/1/2007
	<i>Microprints</i>	\$0.25/page	2000
	<i>Photocopies &amp; Microfilm Copies</i>		
	8 1/2 x 11	\$0.25/page	1999
	11 x 14	\$0.50/page	1999
	11 x 17	\$1.00/page	7/1/2005
	17 x 24	\$1.50/page	7/1/2007
	36 x 36	\$2.50/page	7/1/2007
	<i>Photographs</i>	Actual Cost	1999
	<i>Recording of Documents</i>	Actual Cost	1999
	<i>Research Fee</i>	Staff cost plus materials	2/7/2002

**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
<b>CITY ADMINISTRATION</b>			
	<i>Claims Application Fee</i>	\$1,000.00/deposit*	11/28/2000
	*Application fee shall be actual cost incurred by the City to process application. Any funds remaining from the deposit after the application has been processed will be refunded to the applicant, and applicant shall be responsible for any additional costs incurred.		
	<i>Complete Code (Titles 1 - 18)</i>		
	Compact Disk (CD)	\$20.00	7/1/2006
	<i>Meeting Room Reservation Fees &amp; Deposits</i>		7/1/2004
	Alarm Fee (Senior Center and Library Community Room)		
	First time call-out	\$50.00	
	Second call-out within a one-year period	\$75.00	
	Third call-out within a one-year period	\$75.00 and suspension of room use privileges for three months	
	Cancelation Fee	\$10.00	
	Cleaning Deposit	\$100.00	
	Library Community Room		7/1/2004
	Room Rental		
	Group 1	\$25.00/hr	
	Group 2	\$40.00/hr	
	Group 3	\$50.00/hr	
	Pantry Rental		
	Group 1	\$5.00/hr	
	Group 2	\$5.00/hr	
	Group 3	\$5.00/hr	
	Equipment Rental		
	Sound System with Microphone	\$10.00	
	PowerPoint Projector and Screen	\$10.00	
	TV with VCR/DVD	\$10.00	
	Stage Lighting	\$10.00	

**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	Library Conference Room		
	Group 1	\$5.00/hr	
	Group 2	\$10.00/hr	
	Group 3	\$15.00/hr	
	Red Rock Creek Conference Room		7/1/2003
	Group 1	\$5.00/hr	
	Group 2	\$10.00/hr	
	Group 3	\$15.00/hr	
	Richard M. Brown Auditorium		
	Group 1	\$12.00/hr	
	Group 2	\$17.00/hr	
	Group 3	\$22.00/hr	
	Senior Center Upstairs Activity Room		
	Group 1	\$15.00/hr	
	Group 2	\$20.00/hr	
	Group 3	\$25.00/hr	
	Senior Center Downstairs Activity Room		
	Group 1	\$10.00/hr	
	Group 2	\$15.00/hr	
	Group 3	\$20.00/hr	
	Senior Center Classroom or Craft Room		
	Group 1	\$5.00/hr	
	Group 2	\$10.00/hr	
	Group 3	\$15.00/hr	
	Town Hall		
	Group 1	\$10.00/hr	
	Group 2	\$15.00/hr	
	Group 3	\$20.00/hr	
	Water Lobby Conference Room		
	Group 1	\$5.00/hr	
	Group 2	\$10.00/hr	
	Group 3	\$15.00/hr	

**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
<i>Municipal Court Fees</i>			
	Civil Compromise	\$150.00	4/10/2003
	Traffic School and Compliance Program Fee		
	Criminal	\$150.00	4/10/2003
	Juvenile non-traffic	\$75.00	4/10/2003
	Traffic School	Equal to the relevant fine provided for the violation in the Violations Bureau Fine Schedule	5/25/2006
	Traffic School Setover	\$20.00	4/10/2003
	License Reinstatement	\$15.00	4/10/2003
	Payment Agreement Administrative Fee	\$15.00	4/10/2003
	Overdue Payment Letter	\$10.00	4/10/2003
	Show Cause Hearings - Court Costs		4/10/2003
	Non-compliance	\$25.00	
	Non-payment - fees paid prior to hearing	No Fee	
	Warrant Fee	\$50.00	4/10/2003
<i>Public Assembly</i>			8/25/1970
	Application Fee		
	Persons Reasonably Anticipated		
	1,000 to 2,499	\$100.00	
	2,500 to 4,999	\$150.00	
	5,000 to 9,999	\$500.00	
	10,000 to 49,999	\$1,000.00	
	50,000 and over	\$1,500.00	
<i>Tigard Municipal Code (Titles 1 - 17)</i>			
	Compact Disk (CD)	\$10.00	7/1/2006

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
<b>COMMUNITY DEVELOPMENT - BUILDING</b>			
	<i>Building Permit Fees</i>		9/26/2000
	<del>(Commercial, Multi-family and Single-family)</del>		
	<u>Total Valuation:</u>		
	<del>\$1—\$2,000</del>	Minimum \$62.50	
	<del>\$2,001—\$25,000</del>	\$62.50 for the first \$2,000 and \$9.60 for each additional \$1,000 or fraction thereof, to and including \$25,000.	
	<del>\$25,001—\$50,000</del>	\$283.30 for the first \$25,000 and \$7.50 for each additional \$1,000 or fraction thereof, to and including \$50,000.	
	<del>\$50,001—\$100,000</del>	\$470.80 for the first \$50,000 and \$5.47 for each additional \$1,000 or fraction thereof, to and including \$100,000.	
	<del>\$100,001—\$250,000</del>	\$744.30 for the first \$100,000 and \$3.90 for each additional \$1,000 or fraction thereof, to and including \$250,000.	
	<del>\$250,001—\$600,000</del>	\$1,329.30 for the first \$250,000 and \$3.85 for each additional \$1,000 or fraction thereof, to and including \$600,000.	
	<del>\$600,001—\$1,200,000</del>	\$2,676.80 for the first \$600,000 and \$3.51 for each additional \$1,000 or fraction thereof, to and including \$1,200,000.	
	<del>\$1,200,001—\$2,000,000</del>	\$4,782.80 for the first \$1,200,000 and \$2.73 for each additional \$1,000 or fraction thereof, to and including \$2,000,000.	
	<del>\$2,000,001 and up</del>	\$6,966.80 for the first \$2,000,000 and \$2.72 for each additional \$1,000 or fraction thereof	

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>(Commercial)</i>		7/1/2007
	<b><u>Total Valuation:</u></b>		
	<b>\$1 - \$2,000</b>	<b>Minimum \$62.50</b>	
	<b>\$2,001-\$25,000</b>	<b>\$62.50 for the first \$2,000 and \$7.15 for each additional \$1,000 or fraction thereof, to and including \$25,000.</b>	
	<b>\$25,001-\$50,000</b>	<b>\$226.95 for the first \$25,000 and \$5.59 for each additional \$1,000 or fraction thereof, to and including \$50,000.</b>	
	<b>\$50,001-\$100,000</b>	<b>\$366.70 for the first \$50,000 and \$4.80 for each additional \$1,000 or fraction thereof, to and including \$100,000.</b>	
	<b>\$100,001-\$250,000</b>	<b>\$606.70 for the first \$100,000 and \$3.24 for each additional \$1,000 or fraction thereof, to and including \$250,000.</b>	
	<b>\$250,001-\$500,000</b>	<b>\$1,092.70 for the first \$250,000 and \$2.77 for each additional \$1,000 or fraction thereof, to and including \$500,000.</b>	
	<b>\$500,001-\$1,000,000</b>	<b>\$1,785.20 for the first \$500,000 and \$2.70 for each additional \$1,000 or fraction thereof, to and including \$1,000,000.</b>	
	<b>\$1,000,001-\$2,000,000</b>	<b>\$3,132.70 for the first \$1,000,000 and \$2.44 for each additional \$1,000 or fraction thereof, to and including \$2,000,000.</b>	
	<b>\$2,000,001 and greater</b>	<b>\$5,572.70 for the first \$2,000,000 and \$2.43 for each additional \$1,000 or fraction thereof.</b>	



City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>(Single Family &amp; Multi-Family)</i>		7/1/2007
	<u>Total Valuation:</u>		
	\$1 - \$2,000	Minimum \$62.50	
	\$2,001-\$25,000	\$62.50 for the first \$2,000 and \$10.83 for each additional \$1,000 or fraction thereof, to and including \$25,000.	
	\$25,001-\$50,000	\$311.50 for the first \$25,000 and \$8.25 for each additional \$1,000 or fraction thereof, to and including \$50,000.	
	\$50,001-\$100,000	\$517.84 for the first \$50,000 and \$5.90 for each additional \$1,000 or fraction thereof, to and including \$100,000.	
	\$100,001-\$250,000	\$812.84 for the first \$100,000 and \$4.21 for each additional \$1,000 or fraction thereof, to and including \$250,000.	
	\$250,001-\$500,000	\$1,444.34 for the first \$250,000 and \$4.17 for each additional \$1,000 or fraction thereof, to and including \$500,000.	
	\$500,001-\$1,000,000	\$2,486.84 for the first \$500,000 and \$3.87 for each additional \$1,000 or fraction thereof, to and including \$1,000,000.	
	\$1,000,001-\$2,000,000	\$4,421.84 for the first \$1,200,000 and \$3.14 for each additional \$1,000 or fraction thereof, to and including \$2,000,000.	
	\$2,000,001 and greater	\$7,561.84 for the first \$2,000,000 and \$3.00 for each additional \$1,000 or fraction thereof.	
	<i>Building Plan Review Fee</i>	65% of base building permit fee	9/26/2000

**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Deferred Submittals</i>	Minimum Fee \$200.00	9/24/2002
	Plan Review	65% of building permit fee based on valuation of the particular portion or portions of the project.	
	<i>Electrical Fees</i>		6/27/2000
	New residential, single or multi-family per dwelling unit; service included:		
	1000 square feet or less	\$145.15	
	Each additional 500 square feet or portion thereof	\$33.40	
	Limited energy	\$75.00	
	Each manufactured home or modular dwelling service or feeder	\$90.90	
	Services or feeders; installation, alterations or relocation:		
	200 amps or less	\$80.30	
	201 amps to 400 amps	\$106.85	
	401 amps to 600 amps	\$160.60	
	601 amps to 1000 amps	\$240.60	
	Over 1000 amps or volts	\$454.65	
	Reconnect only	\$66.85	
	Temporary services or feeders; installation, alteration or relocation:		
	200 amps or less	\$66.85	
	201 amps to 400 amps	\$100.30	
	401 amps to 600 amps	\$133.75	
	Branch circuits; new, alteration or extension per panel:		
	With purchase of service or feeder - each branch circuit	\$6.65	
	Without purchase of service or feeder		
	First Branch Circuit	\$46.85	
	Each addit. Branch circuit	\$6.65	

**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	Miscellaneous (service or feeder not included):		
	Each pump or irrigation circuit	\$53.40	
	Each sign or outline lighting	\$53.40	
	Signal circuit(s) or a limited energy panel, alteration or extension	\$75.00	
	Each additional inspection over the allowable in any of the above (min 1 hr)		
	Per Inspection	\$62.50	
	Per Hour	\$62.50	
	Industrial Plant Inspection	\$73.75/hr (min 1 hour)	
	Electrical permit plan review fee	25% of the electrical permit fee	
	<i>Erosion Control Permit Fee</i>		6/6/2000
	(City receives none of this fee)		
	Less than \$50,000.00	\$26.00	
	\$50,000.00 to \$100,000.00	\$40.00	
	More than \$100,000.00	\$40.00 + \$24.00 for each additional \$100,000.00 or fraction thereof	
	<i>Erosion Control Plan Check Fee</i>	65% of inspection fee	6/6/2000
	(City receives 50% of fee)		
	<i>Fee in Lieu of Sewer</i>	Based on actual cost of sewer connection, if sewer was available	1998
	(Commercial Only)		
	<i>Fire Life Safety Plan Review</i>	40% of base building permit fee	9/26/2000
	(Commercial Only)		
	<i>Manufactured Dwelling Installation</i>	\$305.50	9/24/2002

**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Manufactured Dwelling and Mobile Home Parks, Recreation Camps, and Organizational Camps</i>	Per OAR	9/24/2002
	<i>Mechanical Fees (1 and 2 Family Dwellings)</i>		6/27/2000
	Description:		
	Furnace to 100,000 BTU including ducts & vents	\$14.00	
	Furnace to 100,000 BTU+ including ducts & vents	\$17.90	
	Floor Furnace including vent	\$14.00	
	Suspended heater, wall heater or floor mounted heater	\$14.00	
	Vent not included in appliance permit	\$6.80	
	<3HP; absorb unit to 100K BTU	\$14.00	
	3-15HP; absorb unit to 100K to 500K BTU	\$25.60	
	15-30HP; absorb unit .5 - 1 mil BTU	\$35.00	
	30-50HP; absorb unit 1 - 1.75 mil BTU	\$52.20	
	>50HP; absorb unit >1.75 mil BTU	\$87.20	
	Air handling unit to 10,000 CFM*	\$10.00	
	*Note: This fee does not apply to an air handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code.		
	Air handling unit to 10,000 CFM+	\$17.20	
	Non-portable evaporate cooler	\$10.00	
	Vent fan connected to a single duct	\$6.80	
	Ventilation system not included in appliance permit	\$10.00	
	Hood served by mechanical exhaust	\$10.00	
	Domestic incinerators	\$17.40	
	Commercial or industrial type incinerator	\$69.95	
	Repair units	\$12.15	
	Wood stove	\$10.00	

**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	Clothes dryer, etc.	\$10.00	
	Other units	\$10.00	
	Gas piping one to four outlets	\$5.40	
	More than 4 - per outlet (each)	\$1.00	
	For each appliance or piece of equipment regulated by the Mechanical Code, but not classed in other appliance categories or for which no other fee is listed in the table	\$10.00	
	Minimum Permit Fee	\$72.50	9/24/2002
	Plan Review	25% of Permit Fee	
	Other Inspections and Fees:		
	Inspections outside of normal business hours (minimum charge - 2 hours)	\$62.50/hour	9/24/2002
	Inspections for which no fee is specifically indicated (minimum charge - one-half hour)	\$62.50/each	9/24/2002
	Additional plan review required by changes, additions or revisions to plans (minimum charge - one-half hour)	\$62.50/hour	9/24/2002
	<i>Mechanical Permit Fees</i> (Commercial and Multi-family)		9/26/2000
	<u>Total Valuation:</u>		
	\$1 - \$5,000	Minimum \$72.50	
	\$5,001 - \$10,000	\$72.50 for the first \$5,000 and \$1.52 for each additional \$100 or fraction thereof, to and including \$10,000.	
	\$10,001 - \$25,000	\$148.50 for the first \$10,000 and \$1.54 for each additional \$100 or fraction thereof, to and including \$25,000.	

**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	\$25,001 - \$50,000	\$379.50 for the first \$25,000 and \$1.45 for each additional \$100 or fraction thereof, to and including \$50,000.	
	\$50,001 and up	\$742.00 for the first \$50,000 and \$1.20 for each additional \$100 or fraction thereof.	
	\$1 - \$2,000	Minimum \$72.50	9/1/2003
	\$2,001 - \$5,000	\$72.50 for the first \$2,000 and \$2.30 for each additional \$100 or fraction thereof, to and including \$5,000.	
	\$5,001 - \$10,000	\$141.50 for the first \$5,000 and \$1.80 for each additional \$100 or fraction thereof, to and including \$10,000.	
	\$10,001 - \$50,000	\$231.50 for the first \$10,000 and \$1.35 for each additional \$100 or fraction thereof, to and including \$50,000.	
	\$50,001 - \$100,000	\$771.50 for the first \$50,000 and \$1.25 for each additional \$100 or fraction thereof, to and including \$100,000.	
	\$100,001 and up	\$1,396.50 for the first \$25,000 and \$1.10 for each additional \$100 or fraction thereof.	
	Plan Review	25% of permit fee	9/24/2002
	<i>Metro Construction Excise Tax</i> (City will retain 5% for administrative expenses) (Tax set by Metro, but collected by cities)	0.12% of building permits for projects with a total valuation of \$100,001 or more; not to exceed \$12,000	7/1/2006
	<i>Phase Permitting</i>	\$200.00	9/24/2002
	Plan Review	10% of total project building permit fee not to exceed \$1,500 for each phase	

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Plumbing Fees</i>		6/27/2000
	Description:		
	New Single-Family		
	1 Bath	\$249.20	
	2 Bath	\$350.00	
	3 Bath	\$399.00	
	Fixtures (Individual)		
	Sink	\$16.60	
	Lavatory	\$16.60	
	Tub or Tub/Shower Comb.	\$16.60	
	Shower Only	\$16.60	
	Water Closet	\$16.60	
	Dishwasher	\$16.60	
	Garbage Disposal	\$16.60	
	Washing Machine	\$16.60	
	Floor Drain/Floor Sink 2"	\$16.60	
	Floor Drain/Floor Sink 3"	\$16.60	
	Floor Drain/Floor Sink 4"	\$16.60	
	Water Heater	\$16.60	
	Laundry Room Tray	\$16.60	
	Urinal	\$16.60	
	Other Fixtures	\$16.60	
	Sewer - 1st 100'	\$55.00	
	Sewer - each additional 100'	\$46.40	
	Water Service - 1st 100'	\$55.00	
	Water Service - each additional 100'	\$46.40	
	Storm & Rain Drain - 1st 100'	\$55.00	
	Storm & Rain Drain - each additional 100'	\$46.40	
	Commercial Backflow Prevention		
	Device or Anti-Pollution Device	\$46.40	
	Residential Backflow Prevention Device	\$27.55	

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	Any Trap or Waste Not Connected to a Fixture	\$16.60	
	Catch Basin	\$16.60	
	Inspection of Existing Plumbing	\$72.50/hr	
	Specially Requested Inspections	\$72.50/hr	
	Rain Drain, single family dwelling	\$65.25	
	Grease Traps	\$16.60	
	Hose Bibs	\$16.60	
	Drinking Fountain	\$16.60	
	Roof Drains	\$16.60	
	Minimum Permit Fee	\$72.50	
	Minimum Permit Fee Residential		
	Backflow	\$36.25	
	Plan Review	25% of Permit Fee	
	Medical Gas Systems		09/24/002
	<u>Total Valuation:</u>		
	\$1 - \$5,000	Minimum \$72.50	
	\$5,001 - \$10,000	\$72.50 for the first \$5,000 and \$1.52 for each additional \$100 or fraction thereof, to and including \$10,000.	
	\$10,001 - \$25,000	\$148.50 for the first \$10,000 and \$1.54 for each additional \$100 or fraction thereof, to and including \$25,000.	
	\$25,001 - \$50,000	\$379.50 for the first \$25,000 and \$1.45 for each additional \$100 or fraction thereof, to and including \$50,000.	
	\$50,001 and up	\$742.00 for the first \$50,000 and \$1.20 for each additional \$100 or fraction thereof.	



**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Residential Fire Suppression Systems Permit</i>		9/24/2002
	Multipurpose or Continuous Loop System		
	<u>Square Footage:</u>		
	0 to 2,000	\$115.00	
	2,001 to 3,600	\$160.00	
	3,601 to 7,200	\$220.00	
	7,201 and greater	\$309.00	
	Stand Alone System		
	<u>Square Footage:</u>		
	0 to 2,000	\$187.50	
	2,001 to 3,600	\$232.50	
	3,601 to 7,200	\$292.50	
	7,201 and greater	\$381.50	
	<i>Restricted Energy</i>		6/27/2000
	Residential Energy Use	\$75.00	
	Commercial Energy Use	\$75.00	
	<i>Sanitary Sewer Connection Fee</i>	\$2,700.00/dwelling unit	7/1/2006
	(City receives 20% of fees collected)		
	<i>Sanitary Sewer Inspection Fee</i>		6/6/2000
	Residential	\$35.00	
	Commercial	\$45.00	
	Industrial	\$75.00	
	<i>Tree Replacement Fee</i>	\$125.00/caliber inch	9/1/2001
	<i>Water Quality Facility Fee</i>		6/6/2000
	(City receives 100% of fees collected)		
	Residential Single Family	\$225.00/ unit	
	Commercial & Multi-family	\$225.00/2,640 sq. ft of additional impervious surface	

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Water Quantity Facility Fee</i>		6/6/2000
	(City receives 100% of fees collected)		
	Residential Single Family	\$275.00/ unit	
	Commercial & Multi-family	\$275.00/2,640 sq. ft of additional impervious surface	
	<i>Miscellaneous Fees</i>		
	Address Change	\$65.00	6/27/2000
		<b>\$50.00</b>	<b>7/1/2007</b>
	Fee paid inspections for residential structures pursuant to Title 14, Chapter 16		6/27/2000
	Single & Two Family Dwellings	\$100.00	
	Apartment Houses & Social		
	Care Facilities	\$160.00, plus \$7 for each dwelling unit in excess of 3	
	Hotels	\$160.00, plus \$5 for each dwelling unit in excess of 5	
	<b>Investigation Fee</b>	<b>Additional fee to equal to the amount of the permit</b>	<b>7/1/2007</b>
	Re-inspection		
	Building	\$62.50	9/24/2002
	Mechanical	\$62.50	
	Plumbing	\$62.50	
	Electrical	\$62.50	
	Phased Occupancy	\$200.00	6/27/2000
	Permit or Plan Review Extension	\$72.50	
	Temporary Occupancy	\$90.00	

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
<b>COMMUNITY DEVELOPMENT - PLANNING</b>			
	<i>Accessory Residential Units</i>	\$130.00	7/1/2006
		<b>\$133.00</b>	<b>7/1/2007</b>
	<i>Annexation</i>	\$2,447.00	7/1/2006
	(As of July 1, 2006 a moratorium on this fee will be in effect and will stay in effect until June 30,2008)	<b>\$2,498.00</b>	<b>7/1/2007</b>
	<i>Appeal</i>		
	Director's Decision (Type II) to Hearings Officer	\$250.00	7/1/2003
	Expedited Review (Deposit)	\$300.00	7/1/2003
	Hearings Referee	\$500.00	7/1/2003
	Planning Commission/Hearing's Officer to City Council	\$2,461.00	7/1/2006
		<b>\$2,513.00</b>	<b>7/1/2007</b>
	<i>Approval Extension</i>	\$259.00	7/1/2006
		<b>\$264.00</b>	<b>7/1/2007</b>
	<i>Blasting Permit</i>	\$263.00	7/1/2006
		<b>\$269.00</b>	<b>7/1/2007</b>
	<i>Conditional Use</i>		7/1/2006
	Initial	\$5,091.00	7/1/2007
		<b>\$5,198.00</b>	
	Major Modification	\$5,091.00	
		<b>\$5,198.00</b>	
	Minor Modification	\$562.00	
		<b>\$574.00</b>	

**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Design Evaluation Team (DET) Recommendation (deposit)</i>	\$1,260.00	7/1/2006
		<b>\$1,286.00</b>	<b>7/1/2007</b>
	<i>Development Code Provision Review</i>		7/1/2006
	Single-Family Building Plan	\$51.00	7/1/2007
		<b>\$52.00</b>	
	Commercial/Industrial/Institution	\$322.00	
		<b>\$329.00</b>	
	<i>Expedited Review</i>		7/1/2006
	Land Partition	\$4,293.00	7/1/2007
		<b>\$4,383.00</b>	
	Subdivision	\$5,654.00 + \$88.00/Lot	
		<b>\$5,773.00 + \$90.00/Lot</b>	
	Subdivision with Planned Development	Add \$6,980.00	
		<b>Add \$7,127.00</b>	
	<i>Hearing Postponement</i>	\$254.00	7/1/2006
		<b>\$259.00</b>	<b>7/1/2007</b>
	<i>Historic Overlay/ Review District</i>		7/1/2006
	Historic Overlay Designation	\$3,933.00	7/1/2007
		<b>\$4,016.00</b>	
	Removal Historic Overlay Designation	\$3,933.00	
		<b>\$4,016.00</b>	
	Exterior Alteration in Historic Overlay District	\$602.00	
		<b>\$615.00</b>	
	New Construction in Historic Overlay District	\$602.00	
		<b>\$615.00</b>	
	Demolition in Historic Overlay District	\$602.00	
		<b>\$615.00</b>	

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Home Occupation Permit</i>		7/1/2006
	Type I	\$39.00	7/1/2007
		<b>\$40.00</b>	
	Type II	\$276.00	
		<b>\$282.00</b>	
	<i>Interpretation of the Community Development Code</i>	\$595.00	7/1/2006
		<b>\$607.00</b>	7/1/2007
	<i>Joint Application Planning Fee</i>	100% of Highest Planning Fee + 50% of all Additional Fees Related to the Proposal.	7/1/2003
	<i>Land Partition</i>		7/1/2006
	Residential and Non-Residential (3 Lots)	\$3,650.00	7/1/2007
		<b>\$3,727.00</b>	
	Residential and Non-Residential (2 Lots)	\$3,003.00	
		<b>\$3,066.00</b>	
	Expedited	\$4,293.00	
		<b>\$4,383.00</b>	
	Final Plat	\$873.00	
		<b>\$891.00</b>	
	<i>Lot Line Adjustment</i>	\$468.00	7/1/2006
		<b>\$478.00</b>	7/1/2007
	<i>Minor Modification to an Approved Plan</i>	\$562.00	7/1/2006
		<b>\$574.00</b>	7/1/2007
	<i>Non-Conforming Use Confirmation</i>	\$265.00	7/1/2006
		<b>\$271.00</b>	7/1/2007

**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Planned Development</i>		
	Conceptual Plan Review	\$7,260.00	12/1/2006
		<b>\$7,412.00</b>	<b>7/1/2007</b>
	Detailed Plan Review (Concurrent Hearing)	Applicable SDR Fee or Subdivision Fee + \$200.00	12/1/2006
	Detailed Plan Review (Separate Hearing)	Applicable SDR Fee or Subdivision Fee + \$2,138.00	12/1/2006
	<i>Plat Name Change</i>	\$266.00	7/1/2006
		<b>\$272.00</b>	<b>7/1/2007</b>
	<i>Pre-Application Conference</i>	\$362.00	7/1/2006
		<b>\$370.00</b>	<b>7/1/2007</b>
	<i>Sensitive Lands Review</i>		7/1/2006
	With Excessive Slopes/Within Drainage Ways/ Within Wetlands (Type II)	\$2,357.00	<b>7/1/2007</b>
		<b>\$2,406.00</b>	
	With Excessive Slopes/Within Drainage Ways/ Within Wetlands (Type III)	\$2,537.00	
		<b>\$2,590.00</b>	
	Within the 100-Year Floodplain (Type III)	\$2,537.00	
		<b>\$2,590.00</b>	
	<i>Sign Permit</i>		
	Existing and Modification to an Existing Sign (No Size Differential)	\$39.00	7/1/2006
		<b>\$40.00</b>	<b>7/1/2007</b>
	Temporary Sign (Per Sign)	\$19.00	7/1/2006

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Site Development Review &amp; Major Modification</i>		7/1/2006
	Under 100,000.00	\$4,314.00	7/1/2007
		<b>\$4,405.00</b>	
	1 Million/Over	<del>\$5,662.00 +</del> <del>\$6.00/\$10,000.00 over 1-</del> <del>Million</del>	
		<b>\$5,781.00 +</b> <b>\$6.00/\$10,000.00 over 1</b> <b>Million</b>	
	Minor Modification	\$562.00	
		<b>\$574.00</b>	
	<i>Subdivision</i>		7/1/2006
	Preliminary Plat without Planned Development	<del>\$4,990.00 + \$88.00/lot</del>	7/1/2007
		<b>\$5,095.00 + \$90.00/lot</b>	
	Preliminary Plat with Planned Development	<del>Add \$6,980.00</del>	
		<b>Add \$7,127.00</b>	
	Final Plat	\$1,604.00	
		<b>\$1,638.00</b>	
	<i>Temporary Use</i>		
	Director's Decision	\$295.00	7/1/2006
		<b>\$301.00</b>	7/1/2007
	Special Exemption/Non-Profit	\$0.00	7/1/2003
	<i>Tree Removal</i>	\$182.00	7/1/2006
		<b>\$186.00</b>	7/1/2007
	<i>Vacation (Streets and Public Access)</i>	<del>\$2,144.00 Deposit +</del> <del>—Actual Costs</del>	7/1/2006
		<b>\$2,189.00 Deposit +</b> <b>Actual Costs</b>	7/1/2007

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Variance/Adjustment</i>		7/1/2006
	Administrative Variance	\$602.00	7/1/2007
		<b>\$615.00</b>	
	Development Adjustment	\$265.00	
		<b>\$271.00</b>	
	Special Adjustments		
	Adjustment to a Subdivision	\$265.00	
		<b>\$271.00</b>	
	Reduction of Minimum		
	Residential Density	\$265.00	
		<b>\$271.00</b>	
	Access/Egress Standards		
	Adjustment	\$602.00	
		<b>\$615.00</b>	
	Landscaping Adjustments		
	Existing/New Street Trees	\$303.00	
		<b>\$309.00</b>	
	Parking Adjustments		
	Reduction in Minimum or Increase		
	In Maximum Parking Ratio	\$602.00	
		<b>\$615.00</b>	
	Reduction in New or Existing		
	Development/Transit Imprvmnt	\$602.00	
		<b>\$615.00</b>	
	Reduction in Bicycle Parking	\$602.00	
		<b>\$615.00</b>	
	Alternative Parking Garage		
	Layout	\$265.00	
		<b>\$271.00</b>	



**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	Reduction in Stacking Lane Length	<del>\$602.00</del> <b>\$615.00</b>	
	Sign Code Adjustment	<del>\$602.00</del> <b>\$615.00</b>	
	Street Improvement Adjustment	<del>\$602.00</del> <b>\$615.00</b>	
	Tree Removal Adjustment	<del>\$265.00</del> <b>\$271.00</b>	
	Wireless Communication Facility Adjustments		
	Setback from Nearby Residence	<del>\$602.00</del> <b>\$615.00</b>	
	Distance from Another Tower	<del>\$265.00</del> <b>\$271.00</b>	
	<i>Zoning Map/Text Amendment</i>		7/1/2006
	Legislative - Comprehensive Plan	<del>\$8,703.00</del> <b>\$886.00</b>	7/1/2007
	Legislative - Community Development Code	<del>\$3,421.00</del> <b>\$3,493.00</b>	
	Quasi-Judicial	<del>\$3,134.00</del> <b>\$3,200.00</b>	
	<i>Zoning Analysis (Detailed)</i>	<del>\$562.00</del> <b>\$574.00</b>	7/1/2006 7/1/2007
	<i>Zoning Inquiry Letter (Simple)</i>	<del>\$65.00</del> <b>\$66.00</b>	7/1/2006 7/1/2007

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
<b>COMMUNITY DEVELOPMENT - Miscellaneous Fees &amp; Charges</b>			
	<i>Building Plan Copies</i>	<b>\$2.50/copy</b>	<b>7/1/2007</b>
	<i>Community Development Code</i>		7/1/2006
	CD Rom	\$10.00	
	<i>Comprehensive Plan - Volumes 1 &amp; 2</i>	\$77.00	1997
	<i>GIS Maps</i>		2/7/2002
	8.5" x 11"		
	Black and White	\$0.00	7/1/2006
		<b>\$0.25</b>	<b>7/1/2007</b>
	Color	\$1.50	
	11" x 17"		
	Black and White	\$1.50	
	Color	\$2.50	
	17" x 22"		
	Black and White	\$2.50	
	Color	\$5.00	
	22" x 32"		
	Black and White	\$5.00	
	Color	\$7.50	
	34" x 44"		
	Black and White	\$7.50	
	Color	\$10.00	
	<i>Maps</i>		2/7/2002
	Address Maps by Section	\$2.50/plot	
	Annexation & Road Jurisdiction	\$10.00/plot	
	As-Built Drawings	\$2.50/copy or plot	
	Assessor's Tax Map	\$2.50/copy or plot	
	Bike Path Plan	\$6.00/plot	

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	Buildable Lands Inventory	\$10.00/plot	
	Comprehensive Plan and Zoning Map	\$10.00/plot	
	Orthophotographs	\$5.00/copy	
	Stream Corridor & Wetlands Map	\$10.00/plot	
	Street Index Map	\$10.00/plot	
	Subdivision Map	\$10.00/plot	
	Subdivision Plat Map	\$2.50/copy	
	Topographic Maps	\$5.00/copy	
	Transportation Plan Map	\$10.00/plot	
	Vertical Bench Mark Control Map	\$6.00/copy	
	Zoning Map	\$10.00/plot	
	<i>Neighborhood Meeting Signs (Land Use)</i>	\$2.00	1997
	<i>Oversize Load Permit</i>	\$200.00	7/1/2005
	<i>Planimetric Maps</i>		3/10/1986
	Blue line print - quarter section	\$5.00	
	Mylar - quarter section	\$150.00 + reproduction cost	
	<i>Tigard Transportation System Plan</i>	\$15.00	2000
	<i>Washington Square Regional Center</i>		1999
	Task Force Recommendations	\$10.00	
	Master Plan Map (Zoning/Plan)	\$2.50	

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
<b>COMMUNITY DEVELOPMENT - ENGINEERING</b>			
	<i>Addressing Assignment Fee</i>	\$50.00	10/29/2003
	<i>Engineering Public Improvement Design Standards</i>	\$5.00	7/15/1998
	<i>Erosion Control Permit Fee</i>		10/29/2003
	(City receives none of this fee)		
	Less than \$50,000.00	\$26.00	
	\$50,000.00 to \$100,000.00	\$40.00	
	More than \$100,000.00	\$40.00 + \$24.00 for each additional \$100,000.00 or fraction thereof	
	<i>Erosion Control Plan Check Fee</i>	65% of inspection fee	10/29/2003
	(City receives 50% of fee)		
	<i>Fee In Lieu Of Bicycle Striping</i>		7/1/2004
	8-inch white stripe	\$2.50/linear foot of frontage	
	Bike lane legends	\$175.00 each	
	Directional mini-arrows	\$100 each	
	Mono-directional reflective markers	\$4.00 each	
	<i>Fee In Lieu Of Undergrounding</i>	\$35.00/lineal feet of frontage	10/29/2003
	<i>Local Improvement District Assessments</i>	Actual Cost	7/24/1996
	<i>Public Facility Improvement Permit</i>	5% of estimated cost of public improvement; minimum \$300.00	7/1/2005
	<i>Reimbursement District Application Fee</i>	\$300.00	1/27/1998

**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Reimbursement District Fee</i>	Not to Exceed 6,000.00 unless reimbursement fee exceeds 15,000.00 Any amount over 15,000.00 shall be reimbursed by the owner. 6,000.00 limit valid for only 3 years from Council approval of district cost.	7/10/2001
	<i>Street Maintenance Fee</i>		4/1/2004
	Monthly Residential Rate - Single and Multi-Family	\$2.18 per unit	
	Monthly Non-Residential Rate	\$0.78 per parking space or fueling pump station	
	Written Appeal Filing Fee	\$300.00	
	<i>Streetlight Energy &amp; Maintenance Fee</i>	Based upon PGE Sch #91 Opt, "B" for the first two years costs	2000
	<i>Traffic/Pedestrian Signs</i>	Cost of materials and labor	2/7/2002
	<i>Traffic Control Devices</i>		
	Speed Hump Program	50% of cost	5/1/1996

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
<b>FINANCIAL &amp; INFORMATION SERVICES</b>			
	<i>Assessment Assumption</i>	\$50.00	4/22/1985
	<i>Budget Document</i>	\$0.00	2/7/2002
	<b>Compact Disk (CD)</b>	<b>\$10.00</b>	<b>7/1/2007</b>
	<b>Paper</b>	<b>\$50.00</b>	
	<i>Business Tax</i>		5/16/1988
	Annual Fee		
	0 - 10 employees	\$55.00	
	11 - 50 employees	\$110.00	
	51 or more employees	\$220.00	
	Prorated Fee		
	for the initial month when issued on or before the 15th of the month		
	0 - 10 employees	\$4.58	
	11 - 50 employees	\$9.17	
	51 or more employees	\$18.33	
	for the initial month when issued after the 15th of the month		
	0 - 10 employees	\$2.29	
	11 - 50 employees	\$4.59	
	51 or more employees	\$9.17	
	for the each month after the initial month until the next annual billing cycle begins (January 1)		
	0 - 10 employees	\$4.58	
	11 - 50 employees	\$9.17	
	51 or more employees	\$18.33	
	<i>Comprehensive Annual Financial Report</i>	\$0.00	2/7/2002

**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Franchise Fee</i>		
	Cable TV	5% of gross revenue	1/26/1999
	Electricity	3% of gross revenue	4/24/2001
	Natural Gas	5% of gross revenue	7/13/2004
	Telecommunication		12/19/2000
	Telecommunication utilities	\$7,500.00 or 5% of gross revenue, whichever is greater	
	Long distance providers and private networks	\$7,500.00 or 2.90/linear foot of installation in right of way, whichever is greater	
	Competitive access providers and all franchisees	\$7,500.00 or 5% of gross revenue, whichever is greater	
	Telecommunication Franchise Application Fee	\$2,000.00	1/23/2001
	Solid Waste Disposal	4% of gross revenue	1/1/2006
	<i>Lien Search Fee</i>	\$35.00	2/1/2004
	<i>Passport Execution Fee</i>	\$30.00	1/1/2006
	<i>Passport Photographs Fee</i>	\$10.00	4/1/2007
	<i>Returned Check Fee</i>	\$20.00	10/9/2001
	<i>Right-of-Way Usage Fee</i>		9/8/2006
	Electricity	3.5% of gross revenue	
	Natural Gas	5% of gross revenue	
	Sanitary Sewer	5% of gross revenue	
	Telecommunication	5% of gross revenue	
	Water	5% of gross revenue	
	Stormwater	5% of gross revenue	7/1/2008

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
<b>LIBRARY</b>			
	<i>Collection Agency Fee</i>	<b>\$10.00</b>	<b>7/1/2007</b>
	<i>Disk or CD (Blank)</i>	\$1.00	2/7/2002
	Headphones	\$1.00	7/1/2006
		<b>\$2.00</b>	<b>7/1/2007</b>
	<i>Lost Items</i>	Replacement cost + \$5.00 processing fee	7/1/2003
	<i>Overdue Items</i>		
	Daily Charge (All Items except DVDs)	\$0.15/item	7/1/2003
	Daily Charge (DVDs)	\$1.00/item	7/1/2005
	Maximum Charge	\$5.00/item	7/1/2005
	<i>Public Copier and Printer Charges</i>	\$0.10/page	2001
	<i>Replacement Library Card Fee</i>	<b>\$1.00</b>	<b>7/1/2007</b>



City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
<b>POLICE</b>			
	<i>Alarm Permits</i>		6/28/1982
	Burglary or Robbery	\$15.00	
	Combination - Burglary and Robbery	\$25.00	
	<i>Failure to Obtain or Renew Alarm Permit Fee</i>	\$25.00	6/28/1982
	<i>False Alarm Charge</i>		7/1/2003
	3rd false alarm	\$50.00	
	4th false alarm	\$75.00	
	5th false alarm	\$100.00	
	6 or more false alarms	\$150.00	
	<i>Law Enforcement Officers Safety Act Qualification Fee</i>	\$25.00	7/1/2006
	<i>Liquor License</i>	\$25.00	7/10/2001
	<i>Police Services Fees</i>		
	DVD and VHS Evidence Copies	Actual staff costs plus materials	7/1/2005
	Police Report Copies	\$5.00 for the first 10 pages and \$0.25/page thereafter	3/12/1984
	Police Digital Photo CD Copies	\$10.00/CD	7/1/2005
	Police Photograph Copies	\$10.00/roll	7/1/2003
	<i>Property Forfeiture for Criminal Activity</i>	Varies	5/25/1999
	<i>Second Hand Dealers and Transient Merchant License</i>	\$10.00	5/23/1983
	<i>Vehicle Release Fee</i>	\$85.00	7/1/2005
		<b>\$100.00</b>	<b>7/1/2007</b>

**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
<b>PUBLIC WORKS</b>			
	<i>Encroachment Permit</i>	None has been set yet	12/7/1999
	<i>Park Reservation Fee</i>		
	Application Fee		1/1/2006
	Resident/Non-Profit	\$22.50	
	Non-Resident	\$45.00	
	Covered Picnic Area Rental		
	Tigard Based Rental Rate		1/1/2006
	Groups up to 50	\$14.00/hour	
	51 to 100	\$16.00/hour	
	101 to 150	\$23.00/hour	
	151 to 200	\$28.00/hour	
	201 and up	\$33.00/hour	
	Non-Tigard Based Rental Rate		1/1/2006
	Groups up to 50	\$28.00/hour	
	51 to 100	\$32.00/hour	
	101 to 150	\$46.00/hour	
	151 to 200	\$56.00/hour	
	201 and up	\$66.00/hour	
	Soccer/Ball Fields		1/1/2006
	Tigard Based Rental Rate	\$6.75/hour	
	Non-Tigard Based Rental Rate	\$13.50/hour	
	<i>Solid Waste Compactor Permit</i>	\$100.00	12/17/1991

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
<b>PUBLIC WORKS - UTILITIES</b>			
	<i>Booster Pump Charge</i>	\$5.00/bimonthly	10/1/2006
		\$5.35/bimonthly	10/1/2007
	<i>Customer Charge</i>	\$5.66/bimonthly	10/1/2006
	(Basic fee charged to customers to have the City deliver water.)	\$6.05/bimonthly	10/1/2007
	<i>Fire Hydrant Usage - Temporary</i>		
	5/8 x 3/4" hydrant meter deposit*	\$60.00	9/1/2002
	3" hydrant meter deposit*	\$650.00	9/1/2002
	3/4" double check valve deposit*	\$75.00	9/1/2002
	2" double check valve deposit*	\$100.00	9/1/2002
	*Deposit is refundable if returned in good condition		
	Hook-up service	\$50.00	2/27/2001
	Continued use	\$50.00/month	2/27/2001
	Consumption	Current irrigation water usage rate per 100 cubic feet of water used	9/1/2002
	<i>Fire Rates (Sprinklers)</i>		2/27/2001
	6" or smaller	\$17.00/month	
	8" or larger	\$22.50/month	
	<i>Fire Service Connection</i>	\$1,400.00 + 12% fee based on construction costs.	2/27/2001
	<i>Meter Disconnection</i>	Actual labor and material costs + 10%	9/1/2002

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Meter Installation Fees</i>		
	5/8" x 3/4" Meter	\$325.00	2/27/2001
	1" Meter	\$500.00	2/27/2001
	1 1/2" Meter	\$850.00	2/27/2001
	2" Meter	\$1,000.00	2/27/2001
	3" or more Meter	Actual Cost	5/23/2000
	<i>Meter Out-of-Order Test</i>	Meter calibration cost + actual labor and material costs + 10%	9/1/2002
	<i>Sanitary Sewer Service</i>		7/1/2006
	(City receives 15.82% of fees collected)		
	Base Charge	\$18.43/dwelling unit/month	
	Use Charge	\$1.27/100 cubic feet/month for individual customer winter average	
	<i>Storm and Surface Water</i>		
	(City retains 75% of Service Charge fees collected)		
	(City retains 100% of its Surcharge fees collected)		
	Service Charge	\$4.00/ESU/month	6/6/2000
	<b>Tigard Surcharge</b>	<b>\$1.00/ESU/month</b>	<b>7/1/2007</b>
		<b>\$2.00/ESU/month</b>	<b>7/1/2009</b>
	<i>Water Disconnection Charge for Non-payment</i>		2/27/2001
	During business hours	\$50.00	
	<i>Water Line Construction - New Development</i>	12% of Actual Cost	2/27/2001
	<i>Water Main Extension</i>		
	Designed and installed by others	12% of Actual Cost	9/1/2002

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Water Usage Charges</i>		
	Residential	\$2.20/100 cubic feet of water	10/1/2006
		\$2.35/100 cubic feet of water	10/1/2007
	Multi-Family	\$2.18/100 cubic feet of water	10/1/2006
		\$2.33/100 cubic feet of water	10/1/2007
	Commercial	\$2.56/100 cubic feet of water	10/1/2006
		\$2.74/100 cubic feet of water	10/1/2007
	Industrial	\$2.13/100 cubic feet of water	10/1/2006
		\$2.28/100 cubic feet of water	10/1/2007
	Irrigation	\$2.74/100 cubic feet of water	10/1/2006
		\$2.93/100 cubic feet of water	10/1/2007

**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
<b>COMMUNITY DEVELOPMENT - PLANNING</b>			1/1/2007
	<i>Park System Development Charge (SDC)*</i>		
	Single Family Unit	\$4,812.00	
	Multi-family Unit	\$3,868.00	
	Spaces in a manufactured home park	\$3,815.00	
	Commercial/industrial (per employee)	\$327.00	

\*See Appendix for methodology used to calculate the charges.

*Park SDC Annual Adjustment* 4/10/2001

Parks SDC fees shall be adjusted annually on January 1st of each year beginning in 2002. The new fee will be determined by multiplying the existing fees by the average of two indices, one reflecting changes in development/construction costs and one reflecting changes in land acquisition costs. The average of these two indices is a reasonable approach because the Parks SDC fee is roughly split 50% between land acquisition and development components.

The index for the Land Acquisition component will be the base cost for residential tract land in Tigard, as determined by the Washington County Appraiser. The average cost for residential tract land was selected because it is readily identified and is the lowest priced of the buildable lands in Tigard. Changes in this base cost can be calculated in terms of a percentage increase, to create the level of change to the original index, and projected to the overall acquisition cost. In accordance with Measure 5, the Washington County Appraiser's office will determine appraised values on July 1 of each year.

The index for the Land Development component of the Parks SDC will be the Construction Cost Index for the City of Seattle as published in the December issue of the Engineering News Record (ENR). The Seattle cost index will be used because the city is the geographically closest to Tigard of twenty metropolitan areas for which the ENR maintains cost data. This index is adjusted monthly, quarterly, and annually. The annual index for each year will be selected beginning with the index for December 2002. The annual index will be used because it is available in December and most closely coincides with the January 1st implementation of the Park SDC fee adjustments.

City of Tigard  
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
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*Park SDC Annual Adjustment (cont.)*

Calculation Definitions:

SDC (2000) = Current SDC fee

L (2000) = Average cost of residential tract land 2000

L (2001) = Average cost of residential tract land 2001

L (2xxx) = Average cost of residential tract land 2xxx

C (2000) = Construction cost index of 2000

C (2001) = Construction cost index of 2001

C (2xxx) = Construction cost index of 2xxx

LCI = Land Cost Index: change from the current year from previous year

CCI = Construction Cost Index: change from the current year from previous year

ACI = Average cost index change of LCI + CCI

Formula:

$L (2001) / L (2000) = LCI$

and

$C (2001) / C (2000) = CCI$

therefore

$LCI + CCI / 2 = ACI$

then

$SDC (2001) \times ACI = SDC (2002)$

Each year subsequent to 2002, the costs shall be revised using the current year and previous year's data. Notwithstanding the foregoing, all calculations shall be carried out to the thousandth place. A final product ending in .49 or less shall be rounded down to the nearest dollar, .50 or more up to the next dollar. Community Development staff will perform the adjustment calculation and prepare the resolution each year.

**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
<b>COMMUNITY DEVELOPMENT - ENGINEERING</b>			
	<i>Traffic Impact Fee *</i>		7/1/2006
	Trip Rate		7/1/2007
	Residential Use	<del>\$302.00/average weekday trip</del> <b>\$320.00/average weekday trip</b>	
	Business & Commercial Use	<del>\$76.00/average weekday trip</del> <b>\$81.00/average weekday trip</b>	
	Office Use	<del>\$277.00/average weekday trip</del> <b>\$294.00/average weekday trip</b>	
	Industrial Use	<del>\$291.00/average weekday trip</del> <b>\$308.00/average weekday trip</b>	
	Institutional Use	<del>\$125.00/average weekday trip</del> <b>\$133.00/average weekday trip</b>	
	Transit Rate	<del>\$22.00/average daily trip</del> <b>\$24.00/average daily trip</b>	

\*See Appendix for methodology used to calculate the charges.

The Traffic Impact Fee program is governed by Washington County. All fees and procedures are set by the County.



**City of Tigard  
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
<b>PUBLIC WORKS - WATER</b>			
	<i>Water System Development Charge (SDC)*</i>		11/28/2000
	5/8" x 3/4" Meter		
	410 Service Area	\$2,041.00	
	Bull Mountain System	\$2,763.00	
	1" Meter		
	410 Service Area	\$5,103.00	
	Bull Mountain System	\$6,908.00	
	1 1/2" Meter		
	410 Service Area	\$7,348.00	
	Bull Mountain System	\$9,947.00	
	2" Meter		
	410 Service Area	\$16,328.00	
	Bull Mountain System	\$22,104.00	
	3" Meter		
	410 Service Area	\$30,615.00	
	Bull Mountain System	\$41,445.00	
	4" Meter		
	410 Service Area	\$51,025.00	
	Bull Mountain System	\$69,075.00	
	6" Meter		
	410 Service Area	\$102,050.00	
	Bull Mountain System	\$138,150.00	
	8" Meter		
	410 Service Area	\$163,280.00	
	Bull Mountain System	\$221,040.00	
	10" Meter		
	410 Service Area	\$293,496.00	
	Bull Mountain System	\$397,319.00	
	12" Meter		
	410 Service Area	\$775,907.00	
	Bull Mountain System	\$1,050,382.00	

\*See Appendix for methodology used to calculate the charges.

Agenda Item #

Meeting Date

June 12, 2007

## **COUNCIL AGENDA ITEM SUMMARY**

City Of Tigard, Oregon

Issue/Agenda Title A RESOLUTION OF THE CITY OF TIGARD ADOPTING THE BUDGET, MAKING APPROPRIATIONS, DECLARING THE VALOREM TAX LEVY, AND CLASSIFYING THE LEVY AS PROVIDED BY ORS 310.060(2) FOR FISCAL YEAR 2007-08.

Prepared By: Robert Sesnon Dept Head Approval: nb City Mgr Approval: cl

### **ISSUE BEFORE THE COUNCIL**

Oregon Local Budget Law requires that a budget for the following fiscal year be adopted by the City Council prior to July 1, after approval by the Budget Committee and after a public hearing has been held before the City Council.

### **STAFF RECOMMENDATION**

Staff recommends adoption of the FY 2007-08 Budget.

### **KEY FACTS AND INFORMATION SUMMARY**

The Tigard Budget Committee (comprised of the City Council and five citizens) held three meetings on the City Manager's Proposed FY 2007-08 Budget in April and May 2007. On May 14, the Budget Committee approved the Proposed Budget and forwarded the Budget to the City Council for adoption.

For FY 2007-08, the City Gas Tax Fund is being established to account for revenues and expenditures related to the local gas tax approved by Council during the 2006-07 fiscal year.

Oregon Local Budget Law gives the governing body of the jurisdiction authority to make certain changes in the Approved Budget prior to adoption. The City Council may adjust resources or expenditures up or down as long as the increase in a fund does not exceed 10% of the fund total. No adjustments to the Approved Budget have been proposed.

The total FY 2007-08 City of Tigard Budget will be \$85,456,997.

### **OTHER ALTERNATIVES CONSIDERED**

Since no amendments have been proposed, no other alternatives are being considered. By Oregon law, the FY 2007-08 Budget must be adopted by the City Council prior to July 1, 2007.

### **CITY COUNCIL GOALS**

The overall Approved Budget includes funding to accomplish the Council Goals. Specifically, the budget includes \$65,000 for the revision of the City of Tigard Comprehensive Plan, approximately \$3 million for catalyst capital

projects for the downtown, \$95,000 to begin work on improving the 99W corridor, \$1.2 million to purchase additional parkland and greenspace, and \$560,000 to obtain a long-term water source.

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#### ATTACHMENT LIST

Resolution adopting the budget and Exhibit A (Schedule of Appropriations)..

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#### FISCAL NOTES

The Approved Budget includes total appropriations of \$85,456,997.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 07-\_\_\_\_\_

A RESOLUTION OF THE CITY OF TIGARD ADOPTING THE BUDGET, MAKING APPROPRIATIONS, DECLARING THE VALOREM TAX LEVY, AND CLASSIFYING THE LEVY AS PROVIDED BY ORS 310.060(2) FOR FISCAL YEAR 2007-08.

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WHEREAS, the budget for the City of Tigard for year beginning July 1, 2007 was duly approved and recommended to the City Council by the regularly constituted Budget Committee at its meeting on May 14, 2007, after proceedings in accordance with Chapter 294, Oregon Revised Statutes; and

WHEREAS, a summary of the budget as required by Chapter 294.416 was duly published in the Tigard Times, a newspaper of general circulation in the City in accordance with Chapter 294.421; and

WHEREAS, a hearing by the Tigard City Council on the budget document, as approved by the Budget Committee, was duly called and held on June 12, 2007, where all interested persons were afforded an opportunity to appear and be heard with respect to the budget; and

WHEREAS, a new fund needs to be established to record the revenues and expenditures relating to the City Gas Tax Fund.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Council adopts the budget for FY 2007-08 in the total amount of \$85,456,997.

SECTION 2: The appropriations for the fiscal year beginning July 1, 2007 are established as shown in attached Exhibit A.

SECTION 3: The City Gas Tax Fund is created to track revenue and expenditures for those purposes.

SECTION 4: The City of Tigard City Council hereby imposes the taxes provided for in the adopted budget at the rate of \$2.5131 per \$1,000 of assessed value for general operations; and in the amount of \$1,031,183 for bonds; and that these taxes are hereby imposed and categorized for tax year 2007-08 upon the assessed value of all taxable property in the City.

General Fund

General Government Limit  
\$2.5131/\$1,000

Excluded from Limit

General Obligation Debt Fund                      \$1,031,183

SECTION 6:      This resolution is effective immediately upon passage.

PASSED:              This \_\_\_\_\_ day of \_\_\_\_\_ 2007.

\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

\_\_\_\_\_  
City Recorder - City of Tigard

Schedule of Appropriations  
Fiscal Year 2007-08  
Resolution No.

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
General Fund						
	Community Services	\$14,081,734	\$26,478	\$14,108,212	\$0	\$14,108,212
	Public Works	3,092,493	(7,890)	3,084,603	0	3,084,603
	Community Development	3,383,827	584	3,384,411	0	3,384,411
	Policy and Administration	386,368	30,000	416,368	0	416,368
	General Government	30,000	0	30,000	0	30,000
	Debt Service	0	0	0	0	0
	Loan to CCDA	80,000	0	80,000	0	80,000
	Transfer	6,368,752	(110,875)	6,257,877	0	6,257,877
	Capital Improvements	0	0	0	0	0
	Contingency	1,000,000	0	1,000,000	0	1,000,000
	Total Fund	\$28,423,174	(\$61,703)	\$28,361,471	\$0	\$28,361,471
Sanitary Sewer Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	857,311	0	857,311	0	857,311
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	740,921	(3,204)	737,717	0	737,717
	Capital Improvements	2,450,000	15,750	2,465,750	0	2,465,750
	Contingency	496,000	104,000	600,000	0	600,000
	Total Fund	\$4,544,232	\$116,546	\$4,660,777	\$0	\$4,660,777
Stormwater Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	851,021	0	851,021	0	851,021
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	395,273	(1,699)	393,574	0	393,574
	Capital Improvements	360,000	12,000	372,000	0	372,000
	Contingency	15,000	160,000	175,000	0	175,000
	Total Fund	\$1,621,294	\$170,301	\$1,791,595	\$0	\$1,791,595

Schedule of Appropriations  
Fiscal Year 2007-08  
Resolution No.

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Water Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	5,673,872	0	5,673,872	0	5,673,872
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	1,616,099	(12,869)	1,603,230	0	1,603,230
	Capital Improvements	769,000	47,250	816,250	0	816,250
	Contingency	700,000	0	700,000	0	700,000
	Total Fund	\$8,758,971	\$34,381	\$8,793,352	\$0	\$8,793,352
Water CIP Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	0	0	0	0	0
	Capital Improvements	6,235,000	0	6,235,000	0	6,235,000
	Contingency	935,250	0	935,250	0	935,250
	Total Fund	\$7,170,250	\$0	\$7,170,250	\$0	\$7,170,250
Water Quality/Quantity Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	44,938	(192)	44,746	0	44,746
	Capital Improvements	480,000	105,000	585,000	0	585,000
	Contingency	72,000	18,000	90,000	0	90,000
	Total Fund	\$596,938	\$122,808	\$719,746	\$0	\$719,746

Schedule of Appropriations  
Fiscal Year 2007-08  
Resolution No.

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Water SDC Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	950,000	0	950,000	0	950,000
	Capital Improvements	247,000	0	247,000	0	247,000
	Contingency	37,000	0	37,000	0	37,000
	Total Fund	\$1,234,000	\$0	\$1,234,000	\$0	\$1,234,000
Building Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	1,822,839	(316)	1,822,523	0	1,822,523
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	544,474	(9,921)	534,552	0	534,552
	Capital Improvements	0	0	0	0	0
	Contingency	278,150	71,850	350,000	0	350,000
	Total Fund	\$2,645,463	\$61,613	\$2,707,075	\$0	\$2,707,075
City Gas Tax Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	0	0	0	0	0
	Capital Improvements	500,000	0	500,000	0	500,000
	Contingency	75,000	0	75,000	0	75,000
	Total Fund	\$575,000	\$0	\$575,000	\$0	\$575,000



Schedule of Appropriations  
Fiscal Year 2007-08  
Resolution No.

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Criminal Forfeiture Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	50,000	0	50,000	0	50,000
	Capital Improvements	0	0	0	0	0
	Contingency	0	0	0	0	0
	Total Fund	\$50,000	\$0	\$50,000	\$0	\$50,000
Electrical Inspection Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	387,804	(1,822)	385,982	0	385,982
	Capital Improvements	0	0	0	0	0
	Contingency	59,000	(1,500)	57,500	0	57,500
	Total Fund	\$446,804	(\$3,322)	\$443,482	\$0	\$443,482
Gas Tax Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	472,000	0	472,000	0	472,000
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	437,500	(75,000)	362,500	0	362,500
	Transfer	1,702,161	(3,754)	1,698,408	0	1,698,408
	Capital Improvements	2,352,500	(1,625,000)	727,500	25,000	752,500
	Contingency	15,000	485,000	500,000	0	500,000
	Total Fund	\$4,979,161	(\$1,218,754)	\$3,760,408	\$25,000	\$3,785,408

Schedule of Appropriations  
Fiscal Year 2007-08  
Resolution No.

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Insurance Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	0	0	0	0	0
	Capital Improvements	0	0	0	0	0
	Contingency	0	0	0	0	0
	Total Fund	\$0	\$0	\$0	\$0	\$0
Parks SDC Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	2,221,697	0	2,221,697	0	2,221,697
	Capital Improvements	0	0	0	0	0
	Contingency	0	0	0	0	0
	Total Fund	\$2,221,697	\$0	\$2,221,697	\$0	\$2,221,697
Street Maintenance Fee Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	136,550	0	136,550	0	136,550
	Capital Improvements	800,000	0	800,000	0	800,000
	Contingency	80,000	0	80,000	0	80,000
	Total Fund	\$1,016,550	\$0	\$1,016,550	\$0	\$1,016,550

Schedule of Appropriations  
Fiscal Year 2007-08  
Resolution No.

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Traffic Impact Fee Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	267,500	0	267,500	0	267,500
	Transfer	199,101	(907)	198,194	0	198,194
	Capital Improvements	1,967,500	(410,000)	1,557,500	267,686	1,825,186
	Contingency	295,125	4,875	300,000	0	300,000
	Total Fund	\$2,729,226	(\$406,032)	\$2,323,194	\$267,686	\$2,590,880
Traffic Impact Fee Urban Services Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	575,261	0	575,261	0	575,261
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	22,787	0	22,787	0	22,787
	Capital Improvements	240,000	0	240,000	0	240,000
	Contingency	0	0	0	0	0
	Total Fund	\$838,048	\$0	\$838,048	\$0	\$838,048
Underground Utility Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	25,000	0	25,000	0	25,000
	Capital Improvements	300,000	0	300,000	0	300,000
	Contingency	30,000	0	30,000	0	30,000
	Total Fund	\$355,000	\$0	\$355,000	\$0	\$355,000

Schedule of Appropriations  
Fiscal Year 2007-08  
Resolution No.

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Urban Services Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	42,300	0	42,300	0	42,300
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	0	0	0	0	0
	Capital Improvements	0	0	0	0	0
	Contingency	0	0	0	0	0
	Total Fund	\$42,300	\$0	\$42,300	\$0	\$42,300
Bancroft Bond Debt Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	943,412	0	943,412	0	943,412
	Loan to CCDA	0	0	0	0	0
	Transfer	0	0	0	0	0
	Capital Improvements	0	0	0	0	0
	Contingency	0	0	0	0	0
	Total Fund	\$943,412	\$0	\$943,412	\$0	\$943,412
General Obligation Bond Debt Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	972,814	0	972,814	0	972,814
	Loan to CCDA	0	0	0	0	0
	Transfer	0	0	0	0	0
	Capital Improvements	0	0	0	0	0
	Contingency	0	0	0	0	0
	Total Fund	\$972,814	\$0	\$972,814	\$0	\$972,814

Schedule of Appropriations  
Fiscal Year 2007-08  
Resolution No.

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Facility Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	0	0	0	0	0
	Capital Improvements	2,019,486	16,500	2,035,986	0	2,035,986
	Contingency	296,170	0	296,170	0	296,170
	Total Fund	\$2,315,656	\$16,500	\$2,332,156	\$0	\$2,332,156
Parks Capital Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	280,273	0	280,273	0	280,273
	Loan to CCDA	0	0	0	0	0
	Transfer	422,620	0	422,620	0	422,620
	Capital Improvements	3,813,020	0	3,813,020	0	3,813,020
	Contingency	500,000	0	500,000	0	500,000
	Total Fund	\$5,015,913	\$0	\$5,015,913	\$0	\$5,015,913
Central Services Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	0	0	0	0	0
	Community Development	0	0	0	0	0
	Policy and Administration	4,897,067	(140,625)	4,756,442	0	4,756,442
	General Government	1,913,301	0	1,913,301	0	1,913,301
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	0	0	0	0	0
	Capital Improvements	0	0	0	0	0
	Contingency	700,000	0	700,000	0	700,000
	Total Fund	\$7,510,368	(\$140,625)	\$7,369,743	\$0	\$7,369,743

Schedule of Appropriations  
Fiscal Year 2007-08  
Resolution No.

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Fleet/Property Management Fund						
	Community Services	\$0	\$0	\$0	\$0	\$0
	Public Works	1,386,327	0	1,386,327	0	1,386,327
	Community Development	0	0	0	0	0
	Policy and Administration	0	0	0	0	0
	General Government	0	0	0	0	0
	Debt Service	0	0	0	0	0
	Loan to CCDA	0	0	0	0	0
	Transfer	0	0	0	0	0
	Capital Improvements	0	0	0	0	0
	Contingency	80,000	0	80,000	0	80,000
	Total Fund	\$1,466,327	\$0	\$1,466,327	\$0	\$1,466,327
Total Appropriations		\$86,472,598	(\$1,308,287)	\$85,164,311	\$292,686	\$85,456,997

Agenda Item #

Meeting Date

June 12, 2007

## **COUNCIL AGENDA ITEM SUMMARY**

City Of Tigard, Oregon

Issue/Agenda Title APPROVAL OF INTERGOVERNMENTAL LOAN AGREEMENT BETWEEN THE CITY OF TIGARD AND THE TIGARD CITY CENTER DEVELOPMENT AGENCY

Prepared By: Robert Sesnon Dept Head Approval: RHS City Mgr Approval: CP

### **ISSUE BEFORE THE COUNCIL**

Shall the City Council approve an intergovernmental agreement to loan funds to the Tigard City Center Development Agency in order to fund various capital projects specified in the City Center Urban Renewal Plan and Tigard Downtown Improvement Plan?

### **STAFF RECOMMENDATION**

Staff recommends approval of the attached intergovernmental agreement

### **KEY FACTS AND INFORMATION SUMMARY**

In May of 2006, Tigard voters approved the formation of an Urban Renewal District encompassing the downtown and surrounding areas. With the formation of this district, future increases in property tax revenues from property within the area, called tax increment, will provide an important source of funding for a number of needed capital projects. But while it is anticipated that roughly \$22 million in tax increment revenues may ultimately be generated by the District during its 20 year life, the first few years will not generate significant cash flows. Nevertheless, in order to gain the momentum required for the successful redevelopment of the downtown area and the accomplishment of the established goals, certain catalyst projects will need to be completed in the near future.

To complicate matters further, current law limits the use of tax increment revenues to the retirement of debt. In other words, it may not be used to pay project and/or operating costs directly. Since the District has just been formed, it will be unable to secure outside financing for at least the next two years because it lacks any history of revenue generation or growth. A common solution to this dilemma is to borrow needed funds from the City in these early years of the District's life, and use available tax increment revenues to repay this debt as the Agency is able to do so.

### **OTHER ALTERNATIVES CONSIDERED**

No other alternatives are available at this time. In the future, as the Agency acquires a history of tax increment generation it may borrow funds directly from financial institutions or incur bonded indebtedness.

### **CITY COUNCIL GOALS**

Approval of the attached intergovernmental agreement will support implementation of the Downtown Plan.

### **ATTACHMENT LIST**

Intergovernmental agreement to make loans between the City of Tigard and the Tigard City Center Development Agency .

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#### FISCAL NOTES

There are no net costs to the City. Loans made to the Agency will accrue interest at the same rate as if the funds were invested in the City's investment pool.

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## **Intergovernmental Agreement to Make Loans Between the City of Tigard and the Tigard City Center Development Agency**

This Intergovernmental Agreement is dated as of \_\_\_\_\_, 2007 and is entered into by and between the Tigard City Center Development Agency, Oregon, and the City of Tigard, Oregon. The parties hereby agree as follows:

### **1. Definitions**

Unless the context clearly requires otherwise, the following capitalized terms used in this agreement shall have the following meanings:

“Agency” means the Tigard City Center Development Agency, an urban renewal agency created pursuant to Oregon Revised Statutes Chapter 457.

“Agreement” means this Intergovernmental Agreement.

“City” means the City of Tigard, Washington County, Oregon.

“Plan” means the Tigard City Center Urban Renewal Plan adopted by the Tigard City Council on December 13, 2005.

“Tax Increment Revenues” means all revenues which the Agency collects under the provisions of Article IX, Section 1c of the Oregon Constitution and ORS Chapter 457 from the urban renewal area described in the Plan.

### **2. Recitals**

2.1 Tax Increment Revenues are limited to the retirement of debt, as defined in Oregon Revised Statutes Chapter 457.

2.2 In order for the Agency to complete the projects described in the Plan it must secure adequate funding resources.

2.3 The City is willing and able to provide loans to the Agency for this purpose.

2.4 This Agreement constitutes indebtedness of the Agency within the meaning of ORS 457.450 because it obligates the Agency to pay Tax Increment Revenues to the City to carry out the Plan.

### **3. Loans and Terms**

The City hereby agrees to loan funds to the Agency from time to time as required by the Agency to carry out the Plan. Loans shall be made from surplus funds the City has determined are unneeded for operating and capital expenses in the foreseeable future. Interest shall accrue on all loaned amounts at the same average rate as that earned on other funds invested by the City and shall be calculated using the same

methodology employed by the City in allocating investment earnings to its various funds.

**4. Repayment of Loans**

The Agency hereby agrees to repay the principal and accrued interest on all loan amounts provided under this agreement, but solely from the Tax Increment Revenues. Unless prepaid, the principal amount of each loan shall be repaid in ten substantially equal, annual installments of principal on the 30<sup>th</sup> day of June of each fiscal year, with the first principal payment due on the 30<sup>th</sup> day of June in the tenth fiscal year after the fiscal year in which the loan is made. Interest shall be paid annually on the 30<sup>th</sup> day of June of each Fiscal Year, commencing no later than the second fiscal year after the fiscal year in which the loan is made.

**5. Use of Loan Funds**

The Agency shall use the amounts loaned to pay for costs of urban renewal projects described in the Plan.

**6. Subordination**

The Agency hereby pledges the Tax Increment Revenues to pay the loans made by the City under this agreement. The pledge of the Tax Increment Revenues that secures these loans is subordinate to any bonded indebtedness that the Agency is obligated to pay to persons other than the City.

**7. Miscellaneous**

**7.1 Binding Effect**

This Agreement shall inure to the benefit of and shall be binding upon the Agency and the City and their respective successors and assigns.

**7.2 Severability**

In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof.

**7.3 Amendments**

This Agreement may be amended only by a writing signed by both parties.

**7.4 Applicable Law**

This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon. Any action regarding this Agreement or the

transactions contemplated hereby shall be brought in an appropriate court of the State of Oregon in Washington County, Oregon.

**The City Center Development  
Agency of the City of Tigard,**

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**Authorized Officer**

**City of Tigard, Oregon**

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**Authorized Office**

Agenda Item #

Meeting Date

June 12, 2007

## **CITY CENTER DEVELOPMENT AGENCY AGENDA ITEM SUMMARY**

City Of Tigard, Oregon

Issue/Agenda Title APPROVAL OF INTERGOVERNMENTAL LOAN AGREEMENT BETWEEN THE CITY OF TIGARD AND THE TIGARD CITY CENTER DEVELOPMENT AGENCY

Prepared By: Robert Sesnon Dept Head Approval: RLS City Mgr Approval: CP

### **ISSUE BEFORE THE CITY CENTER DEVELOPMENT AGENCY**

Shall the City Council approve an intergovernmental agreement to loan funds to the Tigard City Center Development Agency in order to fund various capital projects specified in the City Center Urban Renewal Plan and Tigard Downtown Improvement Plan?

### **STAFF RECOMMENDATION**

Staff recommends approval of the attached intergovernmental agreement.

### **KEY FACTS AND INFORMATION SUMMARY**

In May of 2006, Tigard voters approved the formation of an Urban Renewal District encompassing the downtown and surrounding areas. With the formation of this district, future increases in property tax revenues from property within the area, called tax increment, will provide an important source of funding for a number of needed capital projects. But while it is anticipated that roughly \$22 million in tax increment revenues may ultimately be generated by the District during its 20 year life, the first few years will not generate significant cash flows. Nevertheless, in order to gain the momentum required for the successful redevelopment of the downtown area and the accomplishment of the established goals, certain catalyst projects will need to be completed in the near future.

To complicate matters further, current law limits the use of tax increment revenues to the retirement of debt. In other words, it may not be used to pay project and/or operating costs directly. Since the District has just been formed, it will be unable to secure outside financing for at least the next two years because it lacks any history of revenue generation or growth. A common solution to this dilemma is to borrow needed funds from the City in these early years of the District's life, and use available tax increment revenues to repay this debt as the Agency is able to do so.

### **OTHER ALTERNATIVES CONSIDERED**

No other alternatives are available at this time. In the future, as the Agency acquires a history of tax increment generation it may borrow funds directly from financial institutions or incur bonded indebtedness.

### **CITY COUNCIL GOALS**

Approval of the attached intergovernmental agreement will support implementation of the Downtown Plan.

### **ATTACHMENT LIST**

Intergovernmental agreement to make loans between the City of Tigard and the Tigard City Center Development Agency .

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#### FISCAL NOTES

The attached agreement will obligate the Agency to repay principal amounts borrowed, along with interest accrued on such amounts.

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## **Intergovernmental Agreement to Make Loans Between the City of Tigard and the Tigard City Center Development Agency**

This Intergovernmental Agreement is dated as of \_\_\_\_\_, 2007 and is entered into by and between the Tigard City Center Development Agency, Oregon, and the City of Tigard, Oregon. The parties hereby agree as follows:

### **1. Definitions**

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“Plan” means the Tigard City Center Urban Renewal Plan adopted by the Tigard City Council on December 13, 2005.

“Tax Increment Revenues” means all revenues which the Agency collects under the provisions of Article IX, Section 1c of the Oregon Constitution and ORS Chapter 457 from the urban renewal area described in the Plan.

### **2. Recitals**

2.1 Tax Increment Revenues are limited to the retirement of debt, as defined in Oregon Revised Statutes Chapter 457.

2.2 In order for the Agency to complete the projects described in the Plan it must secure adequate funding resources.

2.3 The City is willing and able to provide loans to the Agency for this purpose.

2.4 This Agreement constitutes indebtedness of the Agency within the meaning of ORS 457.450 because it obligates the Agency to pay Tax Increment Revenues to the City to carry out the Plan.

### **3. Loans and Terms**

The City hereby agrees to loan funds to the Agency from time to time as required by the Agency to carry out the Plan. Loans shall be made from surplus funds the City has determined are unneeded for operating and capital expenses in the foreseeable future. Interest shall accrue on all loaned amounts at the same average rate as that earned on other funds invested by the City and shall be calculated using the same

methodology employed by the City in allocating investment earnings to its various funds.

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**5. Use of Loan Funds**

The Agency shall use the amounts loaned to pay for costs of urban renewal projects described in the Plan.

**6. Subordination**

The Agency hereby pledges the Tax Increment Revenues to pay the loans made by the City under this agreement. The pledge of the Tax Increment Revenues that secures these loans is subordinate to any bonded indebtedness that the Agency is obligated to pay to persons other than the City.

**7. Miscellaneous**

**7.1 Binding Effect**

This Agreement shall inure to the benefit of and shall be binding upon the Agency and the City and their respective successors and assigns.

**7.2 Severability**

In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof.

**7.3 Amendments**

This Agreement may be amended only by a writing signed by both parties.

**7.4 Applicable Law**

This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon. Any action regarding this Agreement or the

· transactions contemplated hereby shall be brought in an appropriate court of the State of Oregon in Washington County, Oregon.

**The City Center Development  
Agency of the City of Tigard,**

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**Authorized Officer**

**City of Tigard, Oregon**

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**Authorized Office**



Agenda Item #

Meeting Date

June 12, 2007

## **CITY CENTER DEVELOPMENT AGENCY AGENDA ITEM SUMMARY**

City Of Tigard, Oregon

Issue/Agenda Title A RESOLUTION ADOPTING THE FISCAL YEAR 2007-08 BUDGET, MAKING APPROPRIATIONS, AND IMPOSING AND CATEGORIZING TAXES.

Prepared By: Robert Sesnon Dept Head Approval: RS City Mgr Approval: CP

### **ISSUE BEFORE THE CITY CENTER DEVELOPMENT AGENCY**

Oregon Local Budget Law requires that a budget for the following fiscal year be adopted by the City Center Development Agency Board of Directors prior to July 1, after approval by the Budget Committee and after a public hearing has been held before the City Center Development Agency Board of Directors.

### **STAFF RECOMMENDATION**

Staff recommends adoption of the FY 2007-08 Budget.

### **KEY FACTS AND INFORMATION SUMMARY**

The Tigard Budget Committee (comprised of the City Center Development Agency Board of Directors and five citizens) reviewed the Executive Director's Proposed FY 2007-08 Budget on May 14, 2007. The Budget Committee subsequently approved the Proposed Budget and forwarded the Budget to the City Center Development Agency Board of Directors for adoption.

Oregon Local Budget Law gives the governing body of the jurisdiction authority to make certain changes in the Approved Budget prior to adoption. The City Center Development Agency Board of Directors may adjust resources or expenditures up or down as long as the increase in a fund does not exceed 10% of the fund total. No adjustments to the Approved Budget have been proposed.

The total FY 2007-08 City Center Development Agency Budget will be \$1,185,000.

### **OTHER ALTERNATIVES CONSIDERED**

Since no amendments have been proposed, no other alternatives are being considered. By Oregon law, the FY 2007-08 Budget must be adopted by the City Council prior to July 1, 2007.

### **CITY COUNCIL GOALS**

This budget includes funding for Burnham and Main Street improvements consistent with the Tigard Downtown Improvement Plan and City Center Urban Renewal Plan.

### **ATTACHMENT LIST**

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## FISCAL NOTES

The Approved Budget includes total appropriations of \$1,185,000

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CITY CENTER DEVELOPMENT AGENCY, OREGON

RESOLUTION NO. 07-\_\_\_\_\_

A RESOLUTION ADOPTING THE FISCAL YEAR 2007-08 BUDGET, MAKING APPROPRIATIONS, AND IMPOSING AND CATEGORIZING TAXES.

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WHEREAS, the budget for the City Center Development Agency for the year beginning July 1, 2007 was duly approved and recommended to the City Council by the regularly constituted Budget Committee at its meeting on May 14, 2007, after proceedings in accordance with Chapter 294, Oregon Revised Statutes; and

WHEREAS, a summary of the budget as required by Chapter 294.416 was duly published in the Tigard Times, a newspaper of general circulation in the City in accordance with Chapter 294.421; and

WHEREAS, a hearing by the City Center Development Agency Board of Directors on the budget document, as approved by the Budget Committee, was duly called and held on June 12, 2007, where all interested persons were afforded an opportunity to appear and be heard with respect to the budget.

NOW, THEREFORE, BE IT RESOLVED by the City Center Development Agency Board of Directors that:

SECTION 1: The City Center Development Agency Board of Directors adopts the budget for fiscal year 2007-08 in the total amount of \$1,185,000.

SECTION 2: The appropriations for the fiscal year beginning July 1, 2007 are established as follows:

Operating Expenditures	\$ 80,000
Capital Improvements	<u>1,105,000</u>
<b>Total</b>	<b>1,185,000</b>

SECTION 3: The City Center Development Agency Board of Directors resolves to certify to the county assessor of the County of Washington, Oregon a request for the maximum amount of revenue that may be raised by dividing the taxes under Section 1c, Articles IX of the Oregon Constitution and ORS Chapter 457.

SECTION 4: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2007.

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Chair - City Center Development Agency

ATTEST:

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City Recorder - City of Tigard